

JOURNAL

OF THE

S E N A T E

OF THE

STATE OF ALABAMA

BEGUN AND HELD AT THE TOWN OF CAHAWBA, ON THE THIRD
MONDAY IN NOVEMBER, 1824.

BEING THE SIXTH ANNUAL SESSION

OF THE

GENERAL ASSEMBLY OF SAID STATE.

CAHAWBA :

PRINTED BY WM. B. ALLEN, PRINTER TO THE STATE.

1825.

JOURNAL
OF THE
SENATE

On the fifteenth day of November, in the year of our Lord, one thousand eight hundred and twenty-four , being the day fixed by law for the meeting of the General Assembly, the following members of the Senate appeared and took their seats to wit:

From the Senatorial District composed of the Counties of

_____ Mobile, Baldwin & Washington,	_____
_____ Conecuh, Covington, Pike & Henry	John W. Devereux.
_____ Monroe,	John Murphy
_____ Dallas,	Thomas Casey.
_____ Wilcox and Clarke,	Neal Smith.
_____ Marengo and Greene,	John Coats.
_____ Perry and Autauga,	Dunklin Sullivan.
_____ Bibb and Shelby,	Jack Shackleford.
_____ St. Clair and Blount,	David Conner.
_____ Jefferson,	John Wood.
_____ Tuscaloosa and Pickens,	Levin Powell.
_____ Marion and Franklin,	William Metcalfe.
_____ Lawrence ,	Arthur F. Hopkins.
_____ Morgan,	Thomas D. Crabb.
_____ Jackson and Decatur,	Robert McCamy.
_____ Limestone,	Nicholas Davis.
_____ Madison,	David Moore.
_____ Lauderdale,	Hugh McVay.
_____ Montgomery and Butler,	John D. Bibb.

On motion of Mr. Casey, Mr. M'Vay was called to the chair ; and on motion of Mr. Powell, F. S. Lyon was appointed Secretary pro tem, Mr. Taggart, from Mobile, Baldwin and Washington, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Powell, Resolved, that the Senate do now proceed to the election of a President thereof : Whereupon, the election being conducted viva voce it appeared that Nicholas Davis was unanimously elected ; who being conducted to the chair, returned his acknowledgments to the House, and entered upon the duties of his office.

On motion of Mr. Crabb, Resolved, that the Senate do now proceed to the election of a Secretary ; and the election having been conducted in the manner prescribed by the Constitution, it appeared that F. S. Lyon was unanimously elected.

On motion of Mr. Shackleford, Resolved, that the Senate do now proceed to the election of an Assistant Clerk ; and the election being Constitutionally conducted it appeared that David H. Burke was unanimously elected.

On motion of Mr. Bibb, the Senate then proceeded to the election of a Door-Keeper, and Matthew D. Thomason having a majority of votes was declared to be duly elected.

On motion of Mr. Casey, Resolved, that a message be sent to the House of Representatives informing them that the Senate have assembled and elected the Hon Nicholas Davis, of Limestone their President, Francis S. Lyon , their Secretary, David H. Burke, Assistant Clerk, and M. D. Thomason, Door-Keeper, and are ready to proceed to business.

When, on motion, the Senate adjourned till tomorrow morning at 10 o'clock.

Tuesday, November 16, 1824.

The Senate met pursuant to adjournment.

On motion of Mr. McVay, the following resolution was adopted : Resolved, that the following Standing Committees be appointed, to wit:

A committee of Accounts and Claims— a committee of Privileges and Elections— a committee of Propositions and Grievances— a joint committee on Enrolled Bills— a committee on Inland Navigation — a Judiciary Committee — a Military Committee — a committee on Roads , Bridges and Ferries— a committee on County Boundaries — and a committee on Schools and Colleges, and School and College Lands.

On motion of Mr. Powell, Resolved, that a Standing Committee be appointed on the State Bank.

A message from the House of Representatives, by Messrs. Morton and Vining :— Mr. President, I am instructed by the House of Representatives, to inform your honorable body that they have adopted the following resolution— Resolved that a committee be appointed, to wait on the Senate and inform them that the Representative branch of the Legislature is now organized, that they have elected the Hon. SAMUEL WALKER, Speaker, N. Dodson, Principal Clerk, Thos. B. Tunstall, Assistant Clerk, Wm. B. McLellan, Engrossing Clerk, and Elijah Wyatt, Door-Keeper, and that they are ready to proceed to business.

Mr. McVay offered the following resolution, which was adopted : Resolved that there be a committee of five members appointed to enquire into and adopt the best method of apportioning Representatives and Senators in this state, agreeable to the census taken this year, with leave to report by bill or otherwise : whereupon Messrs. McVay, Murphy, Moore, Casey and Bibb, were appointed said committee.

On motion of Mr. Moore the following resolution was adopted, Resolved that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives , to wait on the Governor and inform him that the two houses are now organized, and ready to receive any communications he may please to make : whereupon Messrs. Moore and Murphy were appointed a committee on the part of the Senate : Ordered that the Secretary acquaint the House therewith.

Mr. McVay offered the following resolution : Resolved that the Judiciary committee be instructed to enquire into the expediency of repealing an act entitled “an act to establish Justices’ Courts in this state,” and to report by bill or otherwise : which was ordered to lie on the table.

On motion of Mr. Bibb, Resolved that the rules of order and decorum formed for the government of the Senate at the last session, be again adopted for the government of the present session, until altered, and that fifty copies thereof be printed for the use of the Senate.

A message from the House of Representatives by Messrs. Perkins, Camp and Exum : — Mr. President , I am instructed by the House of Representatives to inform your honorable body that they have concurred in the resolution of your hon. body , appointing a committee on the part of the Senate, to act with such committee as may be appointed on that part of the House of Representatives , to wait on his excellency the Governor and inform him that the two Houses are now organized and ready to receive any communication he may be pleased to make – and have appointed on their part Messrs. Perkins, Camp and Exum.

A message from the House of Representatives by Mr. Dodson, their clerk : – Mr. President, I am instructed by the House of Representatives to inform your honorable body, that they have adopted the following resolution, Resolved that a committee of seven members be appointed on the part of this House to joint such committee on the part of the Senate as may be appointed for that purpose ; to apportion the representation of this state according to the requisitions of the Constitution, and that a message be sent to the Senate informing them of the same : in which they desire your concurrence : they have appointed on their part Messrs. Crenshaw, Miller, Morton, Rather, Tindall, Oliver & Hill. The question was then put “will the Senate concur in said resolution?” and decided in the negative.

Mr. Moore, from the joint committee appointed to wait on the Governor and inform him that the two Houses are organized and ready to receive any communication he might be pleased to make, reported that the committee had performed that duty, and received for answer from his Excellency, that he would make a communication to the two Houses of the General Assembly, this day, at half after 11 o'clock , A. M.

Mr. Crabb obtained leave to introduce a bill to be entitled an act to repeal an act entitled an act to establish regular Justices' courts in this state, passed 30th Dec. 1823, which was read, and ordered to be read the second time tomorrow.

A communication in writing was received from the Governor, by J. J. Pleasants, Esq. Secretary of State, which was read, and is as follows, to wit:

Executive Department, Nov. 16, 1824.

Gentlemen of the Senate,

and of the House of Representatives :

Assembled to consult for the public welfare, our first attention is appropriately invited to the contemplation of our public blessings. Among these is that prevalence of health which it has pleased Providence to dispense during the current year , and which claims, in return, our grateful devotion. Our labour if not rewarded with profusion , has at least been attended with plenty. We are also surrounded by the most gratifying evidences of improvement in the social and individual condition of our people. A favourable change is moreover in progress, in regard to our pecuniary difficulties ; among which may be classed that grievous debt which lately held under an almost irredeemable mortgage, so great a portion of our lands, and kept in check so much useful improvement. By the repeated beneficence of our national government it is now in the power of every man to obtain an advantageous release from this debt. The proffered boon should be embraced by all, as an act of general enfranchisement.

While we contemplate our national prosperity, and the valuable privileges dispensed under our happy system, the example of which is now operating with such imposing influence in other and remote countries, an occasion is presented, to which none similar has every happened, and probably never may ; in which are associated the most interesting recollections of our revolutionary history ; and on which you will indulge me in offering you my congratulations. It is the honour and felicity which this nation enjoys in embracing within its hospitable bosom that illustrious veteran stranger, whose early and constant friendship for American, and for general liberty, and whose seasonable aid entitle him to our veneration as one of the founders of the republic. The demonstrations of grateful respect elicited by the re-appearance of La Fayette on the early theatre of his dangers and triumphs, do not less truly represent the feelings of the people of this junior state. And although our remote situation may deny us, in common with some of our sister states, the honour and gratification of a particular visit from this generous benefactor of our country ; yet we may observe with the most confident assurance, that the same sentiments of affection animate every community, however new and remote, which is encircled by that empire of liberty which was one of the dearest objects of his toils, and will ever be one of the brightest ensigns of his glory.

In recalling our reflections from the enlarged scale of national sentiment, to the more limited sphere of our own legislative powers, we find there a sufficient field of operation, for the most profound statesman and the purest patriot. Our state institutions are now receiving their first impulses. It is important that these should be directed by a correct and liberal policy ; their early errors and virtues become alike familiarized by habit, or tolerated from reasons of necessity.

The concerns of a State University will be fully detailed to you in the report of the Trustees, at their approaching session. The perfecting and the investment of the endowments of the institution, are the principal objects that can be effected until the location of its site shall have been determined. This last is a matter purely within the discretion of the legislature, I will only remark that the weighty subjects set apart by the constitution for the next session, seem to require this to be acted upon before, or postponed till after that period ; to avoid the evil effects of blending together questions that ought to be weighed distinctly on their several merits. The titles to the lands conferred by Congress have been perfected by grant in the name of the Corporation.

It is deemed unnecessary at present to suggest any thing in relation to the farther investment of the college funds ; the provision already made by law will suffice for such portion of the proceeds of the lands as will probably be realized within the present and succeeding years.

Pursuant to the 2d section of the act establishing the State Bank in according to an ordinance of the Board of Trustees conformably thereto, the sum of \$39,667 31 1/4, being the unexpended proceeds of these lands received into the Treasury, is now ready and may be considered as virtually converted into State Stock bearing an interest of six per cent. per annum, payable half yearly to the corporation for support of the institution. This justly appreciated fund is liable to no casualties

short of the dissolution of the government. Its improvement— its permanent security— and its faithful application to the purposes of the grant, are all enjoined by the express letter of the constitution of the state, as well as the terms of the act of investment. This stipulation has for its guarantees the faith and credit of the state, and the whole of its productive resources, and also the conscience of every succeeding legislature, that shall act under oath to respect the constitution— To question these securities, would be a reflection on the honour and good faith of our own government and people — A reflection which the wary capitalists of a remote sister state have in a recent similar negotiation shewn themselves unwilling to make against us. Although at a former session (in the year 1821) when the present facilities were not fully anticipated, I submitted the idea of a different alternative (and the only other feasible one which has been presented to view since that period,) of converting these funds into a similar stock of the national government : yet the comparative disadvantages of that plan will be obvious, when we consider the loss by exchange, both in the money and stock-markets, — the expense and risk of transmission, and exchange, — and the shortness of the periods of redemption of all the United States stocks : to say nothing of the drain of our monied capital, and other effects on our circulating medium.

The three per cent. fund so far as the state was entitled, up to the last settlement thereof at the Treasury of the United States amounting to \$31,711 01, has been obtained. This sum, together with the unexpended proceeds of the Cahawba lots and University lands, amount to \$100,213 81 3/4. These funds being applicable as capital of the State Bank ; and more than one hundred thousand dollars thereof being ascertained on the 11th day of June last to be in the Treasury , it became the duty of the Governor, in obedience to the 20th section of the act incorporating the institution , to convene the President and Directors for the purpose of carrying the act into effect. They were accordingly called together at this place on the second day of July last. I hope to be able within a few days to lay before you a report of the proceedings of that body.

Pursuant to the authority given to the Governor and the Commissioners, by the 8th section of the same act, a loan of one hundred thousand dollars has been obtained on behalf of the state ; for which certificates of State Stock have been issued at par, bearing an interest of six per cent. per annum, payable half yearly at the Phoenix Bank in the city of New York— The principal to be paid at the expiration of ten years, at the Bank of the State of Alabama. This loan has been received in specie of the United States coin.

The particulars of this negotiation, with such provisions as may be deemed necessary for its punctual observance, will be the subject of a future communication.

The monies applicable as capital of the Bank of the State, derived from the sources mentioned amount to \$209,213 81 3/4, subject to some deduction for expense. The other materials necessary having also been procured by the Corporation through their President , it may be expected to commence its operations within a few days. This small commencing capital may be progressively enlarged from the same and other public sources, without interfering with the current demands of the state, during the present or any subsequent year.

In giving useful effect to this Institution, and in regarding with scrupulous good faith the engagements connected with the funds composing its capital, much is expected from the Representatives of a just and enlightened people, who are its guardians. Profit to the revenues of the State should ever be estimated as only a secondary object of its creation. The more important purposes of maintaining a sound and wholesome currency, and of furnishing a safe and regularly productive depository of such public funds as are entrusted to the State, to be applied with fidelity to their destined objects, for the benefit of our present and future population. These should ever be regarded as the cardinal ends of its being.

An instrument has been received and placed on the files of this Department, executed by the President and Directors of the Planters' and Merchants' Bank of Huntsville, and by a majority of the Stock-holders, according to the form prescribed by the fifth section of an act of last session for amending the Charter of that Bank, and for the speedy resumption of specie payments thereby ; which instrument gives assent of the four preceding sections of the act, as a part of the Charter. By these sections it was required that specie payments be resumed and continued from the first day of August, in default whereof (to appear by the protest of one of its notes by a Notary Public) the Governor is authorized to issue his Proclamation dissolving the Charter. The fact of the execution of this instrument, together with the receipt of an expose of the condition of the Bank accompanying the same was made known by Proclamation. And the writ of Quo Warranto has been dismissed at the cost of the Corporation, agreeably to the requirements of the said fifth section. It is well understood that only a partial resumption of specie payments has taken place, and the Proclamation annulling the charter, only awaits the document required by the act.

The law of last session relating to Escheats has gone but partially into operation. The judges of the County Courts to whom the act had offered the appointment of Escheator , have with very few exceptions declined that additional office. Not being possessed of satisfactory information of suitable persons disposed to accept Executive appointments to fill the vacancies ; most of them remain unsupplied. The principal reasons assigned for this general reluctance , is the unwillingness to enter with security into the official bond required, in a large sum, without the prospect of certain emolument. Several of the Judges express a disposition to resign their existing offices as troublesome without sufficient compensation.

To give the act its desired effect, a change in regard to the office of Escheator will be necessary. This change may be effected by annexing the duties of Escheator to those of the Judges of the County Courts, ex-officio and under the same official sanctions. The Solicitors may also be made to render useful service within their Circuits in ascertaining and prosecuting claims under the laws of Escheat and forfeiture.

In some Counties there appear not to be sufficient inducements connected with the office of Judge of the County Court to elicit the services of persons well qualified. In other Counties, the compensation appears sufficiently inviting. Some important duties are entrusted to this class of officers, particularly in regard to the Estates of deceased

persons and the rights of Orphans, which require the office to be placed on such footing as will ensure a constant as well as faithful discharge of duty.

Connected with this subject is the extraordinary latitude which our law allows to Executors and Administrators : their exemption from liability on their pleadings, the ex-parte manner of their settlements, and the facility of declaring Estates in their hands insolvent, with the consequences of this to Creditors. There are features in our law deserving revision.

When a vacancy occurs in the office of Sheriff, no person is qualified under our existing laws to perform the duties , however great the emergency ; until a commission is received from the Executive, filling the vacancy. This has been productive of inconvenience, and it is not difficult to imagine cases in which much mischief may ensue, in remote Counties from the Seat of Government. This may be remedied by requiring the Coroner or some other officer to perform the duties until the vacancy is supplied.

The responsibilities of Sheriffs appear not to be sufficient to insure the punctual holding and returning of elections. Instances have occurred wherein Sheriffs under Executive appointments , have failed to hold the election for a successors, at the "next general election" after their appointments, and to return such election after holding the same ; subjecting the public to the delay and inconvenience necessary to the correction of the omission. It also may, and often does happen in these elections of a Sheriff to fill a vacancy, that the officer holding the election is himself a Candidate for the office. An impartial exercise of this duty would be better secured, by entrusting it in other hands.

Both in the case of Sheriffs and Clerks , it is believed that instances of irregularity have occurred , by the incumbent appointed by the Executive in the one case, and by the Judge in the other , holding his office over the succeeding General Election. These may require a statute legalizing the acts performed without the period prescribed by the Constitution. There is also another class of cases where similar irregularities have happened, and which may desire like notice. In the Counties established since the adoption of the Constitution, the first election of their County officers took place at special periods different from the time of any General Election, and from necessity their constitutional terms of service expired a fraction of a year before or after the time of the General Election. In some of these Counties the officers thus elected, continued their duties during the fraction of time after, and in others they ceased so much short of the termination of their periods.

The next session of the legislature being designated in the constitution as a period when our judiciary may be farther improved, it may now be a seasonable time to provide for obtaining the best assistance in digesting and preparing such amendments in the system as may be deemed advisable, to be reported to the legislature at the next session. This task might be ably executed by the Judges of the Supreme Court, or by such other qualified committee, as the legislature may in their wisdom select. In either case it would be necessary to provide a suitable compensation for this service.

Among the matters which may be considered proper subjects for

persons and the rights of Orphans, which require the office to be placed on such footing as will ensure a constant as well as faithful discharge of duty.

Connected with this subject is the extraordinary latitude which our law allows to Executors and Administrators : their exemption from liability on their pleadings, the ex-parte manner of their settlements, and the facility of declaring Estates in their hands insolvent, with the consequences of this to Creditors. There are features in our law deserving revision.

When a vacancy occurs in the office of Sheriff, no person is qualified under our existing laws to perform the duties , however great the emergency ; until a commission is received from the Executive, filling the vacancy. This has been productive of inconvenience, and it is not difficult to imagine cases in which much mischief may ensue, in remote Counties from the Seat of Government. This may be remedied by requiring the Coroner or some other officer to perform the duties until the vacancy is supplied.

The responsibilities of Sheriffs appear not to be sufficient to insure the punctual holding and returning of elections. Instances have occurred wherein Sheriffs under Executive appointments , have failed to hold the election for a successors, at the "next general election" after their appointments, and to return such election after holding the same ; subjecting the public to the delay and inconvenience necessary to the correction of the omission. It also may, and often does happen in these elections of a Sheriff to fill a vacancy, that the officer holding the election is himself a Candidate for the office. An impartial exercise of this duty would be better secured, by entrusting it in other hands.

Both in the case of Sheriffs and Clerks , it is believed that instances of irregularity have occurred , by the incumbent appointed by the Executive in the one case, and by the Judge in the other , holding his office over the succeeding General Election. These may require a statute legalizing the acts performed without the period prescribed by the Constitution. There is also another class of cases where similar irregularities have happened, and which may desire like notice. In the Counties established since the adoption of the Constitution, the first election of their County officers took place at special periods different from the time of any General Election, and from necessity their constitutional terms of service expired a fraction of a year before or after the time of the General Election. In some of these Counties the officers thus elected, continued their duties during the fraction of time after, and in others they ceased so much short of the termination of their periods.

The next session of the legislature being designated in the constitution as a period when our judiciary may be farther improved, it may now be a seasonable time to provide for obtaining the best assistance in digesting and preparing such amendments in the system as may be deemed advisable, to be reported to the legislature at the next session. This task might be ably executed by the Judges of the Supreme Court,

10

reference and amendment, are those obvious defects in our judicial practice, which tend so materially to impede the administration of justice . The course of proceeding in our courts should be regulated with no other view, than to the correct and speedy attainment of justice ;—every thing unnecessary to this should be lopped from the system.—

However sacred the English judicial and political code had been rendered by the sanction of long experience, and by the bountiful encomiums upon it, which the student meets with all over the elementary treatises on law and government ; we all unite in appreciating the advantages effected by our political change ; and some improvements in the system of jurisprudence also, while we retain a servile adherence to many errors in the judicial practice of England. It is unnecessary to notice the gradual process by which this practice had grown up in that country, and with it other appendages which render a change there, impracticable. The mere formality of pleading requires a distinct class of legal professors. By this division of study and labour ; and these continued long and intensely something like perfection is attained. The multiplication and the support of these professors accords with the policy of that government, as does the encouragement of many other branches, in order to furnish employment for industry and talents. In all these respects a different policy prevails here, and necessarily a different capacity exists. For it will be no reflection on our ablest barristers, to say that they are not, nor can they be perfectly versed in the complicated system of English pleading. Indeed, to say they were so, would be a much greater reflection, implying a neglect of other studies of infinitely more value. But we need only advert to the numerous instances, in which causes are thrown out of Court by the reason of imperfections in the pleading. Even in our highest appellate Court, established through great caution to protect the rights of our citizens from the possible errors of a single judge in the hurry of the circuit— a tribunal where we should expect great legal and constitutional principles to be investigated and settled— even here, we find a vast proportion of the cases depending, and ultimately determined not on their merits, but on technical questions of form. Much of the valuable time of this enlightened bench is required, not to do justice between the parties; but to determine which has the most skilled advocate, in special pleading.

To correct this grievance, no innovation is wished, nor is any necessary in the principles, nor in the essential forms. We have to do little more than to imitate the example of several of our respectable neighboring states, in which questions of form never reach beyond the threshold of a controversy. There, certainly they should end. Actions and plea may retain their present denominations and uses ; but with such precision of form only as willfully apprise the adverse party of the matters alledged, and form a bar to subsequent claims grounded on the same cause. — These are the only rational purposes of pleading. The sufficiency of any of the pleadings to answer these purposes, may safely be left to the conclusive determination of the Court, on motion.— The proper amendments being made instant, or at such times and on such terms as may be deemed reasonable. When a cause has reached a final judgment , (both parties appearing) all objections, both as to form and substance not being previously made matter

or by such other qualified committee, as the legislature may in their wisdom select. In either case it would be necessary to provide a suitable compensation for this service.

Among the matters which may be considered proper subjects for

of special objection, should be waived. This is practically the course observed, as is understood, in North and South Carolina, and to a great extent in the state of Pennsylvania ; – probably other examples might be added to the list. This will at least excuse the suggestion I have felt it my duty to make, from the charge of aiming at innovation.

The frequent escapes of criminals , require a more rigid system of accountability for officers charged with their custody. A very efficacious remedy has elsewhere been found in requiring a prosecution to be instituted against the officer in every case of escape, compelling him to show his grounds of exculpation.

In the cases of African slaves lately pending in the Supreme Court of the United States, the two vessels, Marino and Louisa, have been condemned, and the slaves taken on board the same, (originally twenty-five in number) have been finally decreed to remain subject to the laws of this state for their disposition. Application has been made to the judge of the Federal District Court, in behalf of the state for possession of these slaves under the decree, to be delivered to the agent or the state, for disposition according to law. This application may be expected as a matter of course to be granted at the approaching session of that Court.

In the remaining case of the schooner Constitution, that vessel has also been condemned : but sufficient evidence not having been adduced, proving the American ownership of the slaves taken on board, (originally eighty-four in number) they were decreed to be restored to the importers. Being since apprized that evidence can be obtained, proving this fact, and being also advised from respected legal sources, that the state not being a party of record in the cause, was not precluded by the decision, from filing an original libel and having the slaves seized thereon ; provided this were effected before the actual restoration under the decree had placed them without our jurisdiction.

With this information and advice, I instructed the Attorney General because a libel to be filed in the District Federal Court, and to obtain, as of course the Judge's order of seizure. The libel has been accordingly filed, and a quasi order of seizure granted, under which the property now remains.

Having proceeded thus far in attending to their cases, without any express authority from the legislature ; having also employed counsel, to aid the prosecuting attorney of the United States, so far as concerned the interest of this state ; I now refer it to your discretion to determine whether the claim of the state to these remaining slaves, (of the Constitution,) shall be further prosecuted or not. I submit to you the report of Mr. Kelly, for whose services as an attorney in the cases, while pending in the Federal Supreme Court, the state is much indebted.

By a communication from the Governor of the state of Georgia, the running of the divisional line between the two states as been urged. No provision having been made on the part of this state for the appointment of commissioners to attend to that work, it has been deferred until the legislature shall have acted on the subject.

Another executive communication from the same state has been received accompanied by a resolution for amending the constitution of the United States. This is herewith laid before you, together with a

resolution of the legislature of the state of Maine disapproving this proposed amendment.

I also lay before you an executive communication from the state of Ohio, accompanying resolutions of the legislature of that state, proposing to the consideration of the several states a plan for gradual emancipation and colonization of slaves, on terms not infringing the rights of individuals.

A full return of the census, is expected very soon to be ready for your attention ; the present being one of those sessions at which the apportionment of senators and representatives is required by the constitution to be made.

The following appointments have been made to fill vacancies, occurring since last session, and now to be filled by the legislature.

Edward Kennedy, to be Judge of the County Court of Clarke, in lieu of R. Lee, resigned.

G. W. Brame, to be Judge of the County Court of Perry , in lieu of George C. King, resigned.

Joseph W. Fields, to be Judge of the County Court of Montgomery, in lieu of Peter Williamson, resigned.

Joseph B. Eason ,to the Judge of the County Court of Decatur, in lieu of James B. Robinson, resigned.

James Saffold, to be Judge of the County Court of Dallas, in lieu of Nathan Sargent, removed from the state.

Resignations have been received from the Judges of Autauga, Montgomery Jackson and Butler counties so recently that it has not been deemed necessary to fill the vacancies until the legislature should convene.

Having now presented to view the several matters which appeared to me to deserve your attention ; I have only to add the hope that a temper of mutual good feeling may continue to sooth the mutual labors of those concerned in the duties of our session, and that these labors may be blessed with the fruits which characterize good works.

ISRAEL PICKENS.

On motion, Ordered, that said communication lie on the table, and that 300 copies thereof be printed for the use of the Senate ; and then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, November 17, 1824.

The Senate met pursuant to adjournment.

In pursuance of an order of the Senate, Mr. President reported the following standing committees :

A committee of Accounts and Claims, to consist of Messrs. Powell, McCamy and Sullivan.

A committee of Privileges and Elections, to consist of Messrs. McVay, Smith and Wood.

A committee of Propositions and Grievances, to consist of Messrs. Bibb, Metcalfe and Coats.

A committee on Enrolled Bills, to consist of Messrs. Moore, Casey and Murphy.

A committee on Inland Navigation, to consist of Messrs. Shackelford, Taggart and Powell.

A Judiciary Committee, to consist of Messrs. Hopkins, Murphy and Bibb.

A Military Committee, to consist of Messrs. Wood, Crabb and Shackleford.

A committee on Roads Bridges and Ferries , to consist of Messrs. Casey, McVay, and Coats.

A committee on County Boundaries, to consist of Messrs. Crabb, Conner and Smith.

A committee on Schools and Colleges, and School and College Lands, to consist of Messrs. Murphy, Shackleford and Hopkins.

A committee on Divorce and Alimony, to consist of Messrs. Sullivan, Metcalfe and Conner.

A committee of Revisal and Unfinished Business of last Session, to consist of Messrs. Devereux, Powell and Moore.

A committee on the State Bank to consist of Messrs. Murphy , Hopkins and Shackleford.

Mr. Bibb presented the petition of Peter Wyatt, praying remuneration for a negro slave who had been tried by the state for robbery and convicted and executed, which was read and referred to a special committee, consisting of Messrs. Hopkins, Sullivan and Shackleford, Mr. Bibb having, at his request, been excused from serving on said committee.

Mr. Crabb presented the petition of sundry inhabitants of Morgan county, praying a change of an election precinct, which was read and laid on the table.

Mr. McVay presented the petition of sundry inhabitants of Florence, in Lauderdale county, praying an act of incorporation ; which was read and referred to a special committee consisting of Messrs. McVay, Hopkins and Metcalfe.

A bill, to be entitled an act to repeal an act entitle dan act to establish regular justice's courts in this state, passed 30th Dec. 1823 ; was read a second time and referred to the committee on the Judiciary.

Mr. Powell obtained leave to introduce a bill to be entitled an act to restrain disorderly tippling houses ; which was read the first time and ordered to be read the second time tomorrow.

On motion , the communication from the Governor, of yesterday's date, was taken up and ordered to be committed to a committee of the whole, and made the order of the day for tomorrow.

A message from the House of Representatives, by Mr. Dodson, their clerk— Mr. President : I am instructed by the House of Representatives to inform your honorable body that they have adopted the following resolution, in which they desire your concurrence:

Resolved that a committee of three members be appointed by the House, to act with such committee as may be appointed on the part of the Senate, to superintend the procuring stationery for the Legislature during the present session, and that the Senate be informed thereof : they have appointed on their part Messrs. Moore of J. Crenshaw and Fleming.

On motion, ordered that the Senate concur in said resolution ; whereupon Messrs. Casey and McVay were appointed a committee on the part of the Senate ; ordered that the Secretary acquaint the House therewith ; and then the Senate adjourned till tomorrow morning at 10 o'clock.

Thursday, November 18, 1824.

The Senate met pursuant to adjournment.

Mr. Moore presented the petition of Abraham Grayson and others

praying the passage of a law emancipating a negro ; which was read and referred to a special committee, consisting of Messrs. Moore and Powell.

Mr. Metcalfe presented the petition of sundry inhabitants of Tuscaloosa and Marion counties, praying the establishment of a new county ; which was read and referred to the committee on county boundaries.

Mr. Crabb offered the following resolution : Resolved, that the President assign to William B. Allen and Thomas P. Lumpkin, a seat within the bar of the Senate, for the purpose of reporting the proceedings thereof ; which was adopted.

On motion of Mr. Conner, Ordered, that Mr. Powell be added to the committee on county boundaries.

The Senate, according to order, resolved itself into a committee of the whole on the Governor's message, Mr. Smith in the chair, and after some time spent in the consideration thereof the committee rose, Mr. President resumed the chair, and Mr. Smith reported that the committee of the whole had had His Excellency the Governor's message and the subjects therein contained, under consideration and beg leave to propose the adoption of the following resolutions, all of which were severally read and adopted:

Resolved, that so much of the Governor's message as relates to General La Fayette, be referred to a special committee ; whereupon Messrs. Murphy, Powell and Bibb were appointed said committee.

Resolved, that so much of the Governor's message as relates to the University and the investment of the University fund, be referred to the committee on schools and colleges, and school and college lands.

Resolved, that so much of the Governor's message as relates to escheats, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to the Judges of the County Courts, and to executors and administrators, be referred to the judiciary committee.

Resolved, that so much of the Governor's message as relates to vacancies in the office of Sheriff, be referred to the judiciary committee.

Resolved, that so much of the Governor's message as relates to a revision of the laws, be referred to the judiciary committee.

Resolved, that so much of the Governor's message as relates to the doctrine of special pleading and of amendment in pleadings, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to the safe keeping of criminals ,be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to the African slaves, be referred to a special committee ; whereupon Messrs. Hopkins, Sullivan and Shackelford were appointed.

Resolved, that so much of the Governor's message as relates to the divisional line between this state and the state of Georgia, be referred to a special committee ; whereupon Messrs. Bibb, Devereux and Casey were appointed said committee.

Resolved, that so much of the Governor's message as relates a resolution of the legislature of the state of Georgia, proposing an amendment to the constitution of the United States, be referred to the committee on the judiciary.

Resolved, that so much of the Governor's message as relates to a re-

solution of the legislature of the State of Ohio, in relation to a system of emancipation and colonization of slaves, be referred to a select committee, whereupon Messrs. Powell, Moore and McVay were appointed said committee.

Resolved that so much of the Governor's message as relates to the census and apportionment of Representatives and Senators, be referred to the committee already appointed on that subject.

Resolved that so much of the Governor's message as relates to vacant offices, be referred to a special committee; whereupon Messrs. Murphy, Wood and Taggart were appointed said committee.

The following communication in writing, was received from the Governor, by J. J. Pleasants, Esq. secretary of state:

EXECUTIVE DEPARTMENT, November 18th, 1824.

Gentlemen of the Senate, and of the House of Representatives.

I have the honor herewith to lay before you the Report of the President and Directors of the Bank of the State of Alabama.

In my former communication I deferred making any remarks in regard to the condition of the Militia, until the state of the returns were ascertained from the Adjutant General, whose office is remote.

In returning the strength and condition of the militia for the present year a general failure has taken place, and the returns for last year are yet incomplete. Orders have been given for correction of these omissions, the effect of which will depend on the energy with which they are executed.

In times of peace this part of the duty of militia officers is much the most important they are required to perform; this being the data from which our annual quota of arms from the national appropriation, are to be estimated. The law of last session, with a view of multiplying the chances of punctuality in the returns, in addition to the requirement of previous laws, by which returns were to be made through the commanders of Brigades and Divisions to the Adjutant General, made it moreover the duty of the regimental commanders to make returns direct to that officer. A more complete failure has been the result.

The law of 1822 intended as its title imports, to embody in one act all the militia laws extant, has no repealing clause; by reason of which defect it is rendered more doubtful than before what previous laws are in force, and what are virtually repealed.

In such revision of these laws as you may deem it proper to make, a provision enforcing the duty of punctual returns deserves a conspicuous place. A given day should be set within which the commanders of divisions should be possessed of the returns for their several commands, and these should be in the Adjutant General's office by the annual meeting of the General Assembly. I am your most ob't,

ISRAEL PICKENS.

On motion, Ordered that so much of said message as relates to the State Bank, together with the accompanying report of the President and Directors of said Bank, be referred to the committee on the State Bank, and that 200 copies of the message and report be printed for the use of the Senate.

Mr. Moore offered the following resolution: Resolved that a committee be appointed to inquire into the expediency of establishing a branch of the Bank of the state of Alabama, at the town of Huntsville, or some other place in the Tennessee Valley, with leave to report by

bill or otherwise ; which was adopted : whereupon Messrs. Moore, Hopkins and Murphy were appointed said committee.

Mr. Bibb offered the following resolution : Resolved that a committee be appointed to inquire into the expediency of establishing a branch of the State Bank at the town of Montgomery ; which was rejected.

On motion of Mr. Crabb, Ordered that Mr. Powell be added to the committee on the apportionment.

Mr. Powell offered the following resolution : Resolved that the Judiciary committee be instructed to examine the law by which divorces are granted in this state, and report a bill having for its object an amendment of the same, by which the facilities of obtaining the same, may be measurably removed, if the same should be necessary, which was adopted.

Mr. Taggart obtained leave to introduce a bill to be entitled an act to extend the time of payment of part of the public revenue of Washington county ; which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Bibb obtained leave to introduce a bill to be entitled an act the more effectually to obtain the testimony of witnesses by interrogatories, and to remedy the inconvenience of their being called to distant counties for the purpose of giving testimony ; which was read, and ordered to be read a second time tomorrow.

Mr. Casey offered the following resolution : Resolved that a joint committee be appointed to examine into the state of the public arms and arsenal of this state, which was adopted : whereupon Messrs. Casey and Shackleford were appointed a committee on the part of the Senate. Ordered that the Secretary inform the House thereof and desire their concurrence.

A bill to be entitled an act to restrain disorderly tippling houses, was read the second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. Moore offered the following resolution ;

Resolved that his excellency the Governor be requested to communicate to the Senate such information as may be in his possession, (not inconsistent with the public interest,) in relation to the settlement of accounts between this state and the state of Mississippi, which was adopted. And the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, November 19, 1824.

The Senate met pursuant to adjournment.

Mr. Coats presented the petition of John C. Dunn captain of the Greensborough artillery company praying an alteration in the militia laws, and that his company may be incorporated, which was read, and ordered to be referred to the military committee.

Mr. Casey presented the petition of sundry inhabitants of Dallas county, praying an alteration in the laws regulating the elections of tax collectors, assessors, county surveyors and county treasurers, which was read and referred to special committee, consisting of Messrs. Casey , Murphy and Crabb.

Mr. Hopkins from the judiciary committee, to whom was referred so much of the Governor's message as relates to a revision of the laws reported the following resolution : Resolved that it is unnecessary at this time to provide for obtaining any assistance in preparing amendments to the judiciary system to be reported to the legislature at the

next session : Mr. Hopkins moved that the Senate concur in said resolution.

On motion of Mr. Casey, Ordered that said resolution lie on the table for the present.

Mr. Hopkins from the same committee to which was referred so much of the Governor's message as relates to the doctrine of special pleadings, reported the following resolution, Resolved that it is unnecessary to make any change in the system of special pleadings.

Mr. Hopkins moved that the Senate concur in said report.

On motion of Mr. Moore, ordered that the resolution lie on the table for the present.

On motion of Mr. Connor, ordered that Mr. Metcalfe be added to the committee on county boundaries.

Mr. Shackelford offered the following resolution : Resolved that the military committee be instructed to inquire into the expediency of furnishing all the militia officers in this state, with one copy of Scott's abridgement of military discipline, and that they have leave to report by bill or otherwise ; which was adopted.

Mr. Sullivan obtained leave to introduce a bill to be entitled an act to prevent the abatement of suits at common law ; which was read and ordered to be read a second time on tomorrow.

A bill to be entitled an act to more effectually to ensure the testimony of absent witnesses, by interrogatories and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence, was read the second time, and ordered to be referred to the committee on the judiciary.

A bill to be entitled an act, to extend the time of payment of part of the public revenue of Washington county, was read the second time and ordered to lie on the table.

An engrossed bill to be entitled an act to restrain disorderly tipping houses, was read the third time and passed. Ordered that the title be an act to restrain disorderly tipping houses, and that the same be sent to the House of Representatives for their concurrence.

Mr. Moore from the special committee to which was referred the petition of Abraham Grayson and others, reported a bill to be entitled an act to authorize the emancipation of a certain slave therein named, which was read, and ordered to be read a second time tomorrow.

Mr. McVay offered the following resolution : Resolved that the judiciary committee be instructed to inquire into the expediency of requiring all persons who may commence suits sounding in damages, in any court of this state, to give to the clerk of the court in which the suit is instituted, sufficient security for the costs of the same before the writ shall issue, and report by bill or otherwise : which was adopted.

Mr. Powell offered the following resolution : Resolved that a special committee be appointed to examine the condition of the state Treasury, to compare the accounts and vouchers of the Treasurer and Comptroller, and make a report thereon ; which was ordered to lie on the table.

Mr. McCamy offered the following resolution : Resolved that the judiciary committee be instructed to enquire into the propriety of amending the present law concerning pleas, so as to compel defendants to make affidavits of the truth of their pleas, or the court to go on to

try the cause at the return term, with leave to report by bill or other wise : which was adopted.

And the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, November 20, 1824.

The Senate met pursuant to adjournment.

On motion of Mr. Powell, Ordered, that the credentials of the member from Mobile, Baldwin and Washington, be referred to the committee of privileges and elections, to consider and report thereon.

Mr. Casey laid before the Senate the petition of Edward Clarke, of Philadelphia, proposing a plan for navigating the rapids in rivers ; which was read and ordered, together with the accompanying documents, to be referred to the committee on inland navigation, to consider and report thereon.

Mr. Smith presented the petition of James C. Irvin, Assessors and Collector of Wilcox county in 1823, stating that he has paid into the Treasury fifteen dollars and thirteen cents more than the amount assessed and collected, and praying that the same may be refunded to him ; which was read and ordered to be referred to the committee on accounts and claims, to consider and report thereon.

Mr. Bibb, from the special committee to which was referred so much of the Governor's message as relates to the dividing line between this state and the state of Georgia ; reported that on examination they find the subject was partially acted on at the session of the General Assembly of this state in 1822-3, when the following resolutions were passed : " Whereas the dividing line between this state and the state of Georgia never having been run, in conformity to the articles of agreement and cession entered into on the 24th day of April, 1822, between the commissioners of the state of Georgia, on the one part, and the commissioners of the United States, on the other part, from the mouth of Ucha creek on the Chatahooche river ; thence on a direct line to Nickajack, on the Tennessee river ; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians which must bound on said line : and it is highly important to the two states, for various considerations, that the said line should no longer remain undefined by the present marks, and this legislature being of the opinion that said articles of agreement and cession render it obligatory on the United States to cause said line to be run as early as possible – Be it resolved, &c. That the Governor be requested to take as speedy measures as possible to present the subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring said line to be run as early as possible.

"Be it further resolved, that there shall be appointed by the joint vote of both houses of the General Assembly two commissioners , one of whom shall be an artist to accompany such person or persons as may be appointed on the part of the United States, to run said line.

"And be it further resolved, that the Governor of this state communicate the above resolutions to the executive of the state of Georgia, and solicit the concurrence of the state to the same." It appears from the above recited resolutions that it became necessary for the legislature at their then session, to appoint commissioners to carry them in to operation ; which duty from some unknown cause, they failed to perform : this failure on the part of the legislature to appoint said com-

missioners produced also, (as your committee are informed,) a failure on the part of his excellency the Governor, to communicate with the Governor of the state of Georgia in terms of said resolutions. Your committee therefore recommend that the General Assembly, at their present session, proceed to the election of commissioners as contemplated by the above recited resolutions; which was concurred in.

Mr. Conner offered the following resolution: Resolved, that the Judiciary committee inquire into the expediency of altering the time of holding the commissioners' courts; which was adopted.

Mr. McVay offered the following resolution: Resolved, that the committee on roads, bridges, &c. be instructed to inquire into the expediency of so amending the laws as to compel owners of ferries and toll-bridges over water courses, to keep in repair at their own expense the banks of such water courses, where said roads may run to high water mark, and report by bill or otherwise; which was adopted.

Mr. Powell obtained leave to introduce a bill, to be entitled an act amendatory to the laws in relation to roads, bridges and ferries; which was read the first time and ordered to be read a second time on Monday next.

Mr. Bibb offered the following resolution: Resolved by the Senate, that with the concurrence of the House of representatives, the General Assembly will, on Saturday next, at 3 o'clock, P. M. proceed to the election of a Judge of the county court of Montgomery county, to fill the vacancy occasioned by the resignation of the Hon. Joseph W. Field; which was adopted. Ordered, that the Secretary acquaint the House therewith and desire their concurrence.

Mr. Smith offered the following resolution: Resolved, that the committee on roads, bridges and ferries be instructed to examine the laws regulating the apportionment of hands to work on public roads in this state and report any necessary amendment, by bill or otherwise; which was adopted.

Mr. Sullivan offered the following resolution: Resolved that the military committee be instructed to inquire into the expediency of dividing the thirty second regiment, so that the east side of the Cahawba river in Perry county may form a new regiment and said regiment when so formed to be attached to the sixth brigade; which was adopted.

A bill, to be entitled an act to prevent the abatement of suits at common law, was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill, to be entitled an act to authorise the emancipation of a certain slave therein named; was read the second time.

Mr. Coats offered the following amendment to said bill: Provided, however, that said slave so emancipated shall remove beyond the limits of this state within twelve months after his emancipation, and shall not return to reside therein; which was rejected. Ordered, that said bill be engrossed and made the order of the day for a third reading on Monday next.

Mr. Sullivan offered the following resolution: Resolved, that the committee on roads, bridges and ferries be instructed to inquire into the propriety of reducing into one act the several acts of the General Assembly in force, on the subject of roads, bridges and ferries, with such amendments thereto as said committee may deem necessary for the public conveniences; which was adopted.

A message from the House of Representatives by Mr. Dodson, their clerk : Mr. President, I am instructed by the House of Representatives to inform your honorable body that they concur in the resolution of your honorable body proposing to go into the election of a Judge of the county court of Montgomery county, on Saturday next, at 3 o'clock.

And then the Senate adjourned till tomorrow morning 10 o'clock.

Monday, November 22, 1824.

The Senate met pursuant to adjournment.

Mr. Powell presented the petition of sundry inhabitants of the town of Tuscaloosa, praying that the said town may be incorporated under the style of "the city of Tuscaloosa," which was read, and ordered to be referred to a special committee : whereupon Messrs. Powell, Moore and Metcalfe were appointed said committee.

Mr. McVay offered the following resolution : Resolved that the committee on the judiciary be instructed to inquire into the expediency of repealing the 2d and 3d sections of an act, entitled an act to regulate the rate of interest, passed the 17th day of Dec. 1819, with leave to report by bill or otherwise.

Mr. Casey moved that said resolution lie on the table for the present which was lost. The question was then put on the adoption of said resolution and determined in the affirmative.

A message from the house of representatives, by Mr. Dodson, their clerk : Mr. President, the house of representatives have read three times and passed, a bill entitled an act, for the relief of Abel Pennington ; in which they desire your concurrence.

Mr. Bibb obtained leave to introduce a bill to be entitled an act regulating Sheriffs, which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Casey offered the following resolution : Resolved that the judiciary committee be instructed to inquire into the expediency of so altering the laws now in force, that hereafter when a vacancy occurs in any captain's beat in this state, of a justice of the peace or constable, that the clerk of the county court, instead of the captain of the company, shall give notice of such vacancy, order an election and appoint managers to hold said election, which was adopted.

An engrossed bill to be entitled an act to prevent the abatement of suits at common law ; and an act to authorise the emancipation of a certain slave therein named, were severally read the third time and passed. Ordered, that the words "engrossed bill to be entitled" be stricken out of the caption of said bills, and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled an act amendatory to the several acts in relation to roads, bridges, and ferries, was read the second time. Ordered, that the said bill be referred to the committee on roads, bridges and ferries, to consider and report thereon.

A bill from the house of representatives entitled an act for the relief of Abel Pennington was read the first time, and ordered to be read the second time on tomorrow.

Mr. Sullivan offered the following resolution : Resolved that the judiciary committee be instructed to inquire into the expediency of allowing parties in civil suits to obtain subpoenas from the clerk's office, and serve them on the witnesses by either of the parties themselves, and that in no case shall a forfeiture be taken unless the party moving

the court of such forfeiture make affidavit of the services of subpoena on the witness against whom a forfeiture is prayed ; which was adopted.

Mr. McCamy obtained leave to introduce a bill to be entitled an act to give justices of the peace jurisdiction of breaches of the peace and affrays which was read the first time, and ordered to be read a second time on tomorrow.

Mr. Coats offered the following resolution : Resolved that the committee on propositions and grievances be instructed to enquire into the expediency of so amending the revenue laws as to exempt from taxation any slaves over ten years old, which by any accident are rendered incapable of service, and eventually an expence to the owner, and report thereon ; which was adopted.

Mr. Shackelford offered the following resolution : Resolved that a committee be appointed to examine into the equity and justice of the claims of Col. Samuel Dale, with a view of obtaining relief from the General Government, which was adopted : whereupon Messrs. Shackelford, Murphy and Moore were appointed said committee.

Mr. Powell offered the following resolution : Resolved that the judiciary committee be instructed to enquire into the expediency of proposing to the people an amendment to the constitution, providing that the permanent appointment of Judges shall be suspended until the year 1835, and that the legislature be authorized to make provision for temporary appointments in the mean time, and make a report thereon, which was adopted.

And the Senate adjourned till tomorrow morning at 10 o'clock.

Tuesday, November 23, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Dodson, their clerk: – Mr. President, I am instructed by the House of Representatives to inform your honorable body that they have read three times and passed, bills of the following titles, to wit : An act to alter the times of holding the county court of Lawrence county ; and an act to repeal in part and amend an act entitled an act to authorise David Peoples to continue a toll bridge over the Escambia creek, in the county of Conecuh ; in which they desire your concurrence.

Mr. Murphy presented the petition of Norborne E. Chandler, tax-collector of Monroe county in the year 1823, praying to be allowed the amount of Bailiff's tickets received by him in payment of taxes which was read, and ordered to be referred to the committee on claims and accounts to consider and report thereon.

Mr. McVay offered the following resolution : Resolved, that the Secretary of State be requested to lay before the Senate a consolidated return of the last census, and that he be informed of this resolution which was adopted.

Mr. Hopkins obtained leave to introduce bills of the following titles, to wit: An act to amend an act, passed at Huntsville on the 17th Dec. 1819, to prevent the frauds and fraudulent combinations of speculators and other persons, in the sales of public lands in this state ; An act regulating proceedings on penal bonds ; and, An act making bastards capable of inheriting and transmitting inheritance on the part of their mother ; all of which were severally read the first time, and ordered to be read the second time on tomorrow.

Mr. Shackelford , from the committee on inland navigation, to which

was referred the petition of Edward Clarke, of the city of Philadelphia and state of Pennsylvania, reported that it is inexpedient at this time to grant the prayer of the petitioner ; which was concurred in.

Mr. Sullivan obtained leave to introduce a bill to be entitled an act to repeal the third section of an act regulating the fees of justices, constables and lawyers, passed Dec. 31, 1823, so far as the same relates to justice's fees ; which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Wood obtained leave to introduce a bill to be entitled an act to retrench expenses ; which was read the first time and ordered to be read the second time on tomorrow.

Mr. McCamy obtained leave to introduce a bill to be entitled an act to give Decatur county an additional election precinct ; which was read the first time and ordered to be read the second time on tomorrow.

Mr. Sullivan offered the following resolution : Resolved, that he House of Representatives be informed that the Senate will meet them in the Representative Hall, at 3 o'clock on Saturday next, for the purpose of electing a State Printer, which was adopted : Ordered, that the Secretary acquaint the House therewith.

A bill from the House of Representatives entitled, an act to alter the time of holding the county court of Lawrence county ; was read the first time. On motion the rule which requires all bills to be read on three several days, was dispensed with and said bill was read the second time forthwith. Mr. McCamy offered an amendment to said bill, altering the time of holding the county courts of Jackson county, from the second to the third Mondays in February and August ; which was adopted. The rule requiring all bills to be read on three several days being further dispensed with, said bill was read the 3d time as amended and passed. Ordered, that the title of said bill be "an act altering the times of holding the county courts in Lawrence and Jackson counties. Ordered that the Secretary inform the House of Representatives of the passage of said bill, and desire their concurrence in the amendments made thereto.

Mr. Wood presented the petition and account of Daniel Ayres and the petition of sundry person in his behalf, praying that the may be paid for arresting and keeping certain prisoners ; which was ordered to be referred to the committee on accounts and claims, to consider and report thereon.

A bill from the house of representatives entitled an act to repeal in part and amend an act entitled an act to authorize David Peobles to continue a toll-bridge over the Escambia creek, in Conecuh county, was read the first time & ordered to be read the 2d time on tomorrow.

Mr. Metcalfe offered the following resolution : Resolved by the Senate, that with the concurrence of the house of representatives the General Assembly will, on Saturday the 4th day of December next, at 3 o'clock P. M. proceed to the election of a Senator to the Congress of the United States for the term of six years from the 4th day of March next thereafter, which was adopted : Ordered that the same be sent to the house of representatives for their concurrence.

A bill to be entitled an act for the relief of Abel Pennington was read the second time and ordered to be read the third time on tomorrow.

A bill to be entitled an act to give justices of the peace jurisdiction

of breaches of the peace and affrays ; and an act regulating sheriffs, were severally read a second time. Ordered, that said bills be committed to the committee on the judiciary , to consider and report thereon.

On motion, ordered, that Mr. Powell be added to the committee on the judiciary.

A message from the House of Representatives by Mr. Dodson, their clerk : Mr. President, the House of Representatives concur in the amendment made by your honorable body, to the bill originating in their House, entitled an act altering the time of holding the county courts of Lawrence county.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, Nov. 24, 1824

The Senate met pursuant to adjournment.

The following communication was received from the Governor by J. J. Pleasants, Esq. Secretary of State :

Executive Office, Cahawba , November 23, 1824.

Gentlemen of the Senate— In compliance with the resolution of the Senate, asking such information as may be in my possession, relative to the settlement of accounts between this state and the state of Mississippi, I have the honor to lay before you all the correspondence between the two states on the subject.

The claim on the part of the state for a distributive share of the balance in the Treasury of Mississippi, at the period of separation, in the proportion of the revenues derived from each, appears not only founded on principles of justice, but on the express terms of the ninth section of the act by which Alabama was made a separate territory.

The last communication from the Executive of Mississippi on this subject is the accompanying letter from his excellency Gov. Poin-dexter, dated 5th Dec. 1820, to my predecessor in office ; in which a pledge of payment is required of this state, in case it should be found in arrear, as the "since qua non to any further discussion."

My letter to the present Executive of that state, dated the 24th September, 182, a copy of which, so far as relates to the same subject, accompanies the other papers now laid before you.

The design of this letter was to afford an occasion on his part, on a dispassionate review of the correspondence between our predecessors in office, to recommence it, in a temper that might promise better results to my letter no answer has been received.

I regret that even in a question involving so trivial an amount, that ordinary comity which should characterize the intercourse between sister states, has been so far omitted on the part of the public authorities of Mississippi, as to forbid any further advances on our part, in the same direction at least. I am respectfully, &c.

ISRAEL PICKENS

Ordered, that said communication together with the accompanying documents lie on the table.

A message from the House of Representatives, by Mr. Dodson, their clerk : Mr. President, the House of Representatives have read three times and passed bills which originated in your honorable body of the following titles, to wit : An act to authorize the emancipation of certain slaves therein named ; and, An act to prevent the abatement of suits at common law. They have also read three times and passed bills

originating in their House entitled, An act divorcing William Roundtree from Sally Roundtree ; An act divorcing Sarah R. Swansey from James N. Swansey ; An act divorcing Elizabeth Fields from John Fields; An act to emancipate certain persons therein named ; Resolution in relation to unsettled land claims, below the 31st degree of north latitude, and pre-emption rights ; and, An act to repeal part of the ninth section of an act entitled an act to regulate proceedings in chancery suits, passed January 1st, 1823 : in which they desire your concurrence.

Mr. Casey, from the special committee to which was referred the petition of sundry citizens of the county of Dallas, praying that the law may be altered so that hereafter the tax-collector shall be elected by the people, reported the following resolution : Resolved, that the judiciary committee be instructed to report a bill giving said election of the tax-collector to the people ; which was adopted.

Mr. Crabb, from the committee on county boundaries, to which was referred the petition of sundry persons, reported a bill to be entitled an act to establish a county therein named, and for other purposes ; which was read the first time and ordered to be read the second time on tomorrow.

Mr. McVay, from the special committee to which was referred the the petition of sundry inhabitants of Florence, reported a bill to be entitled, an act to incorporate the town of Florence ; which was read the first time ; ordered, that said bill be made the order of the day for a second reading on tomorrow.

Mr. Hopkins, from the judiciary committee, to which was referred the bill to be entitled, an act the more effectually to obtain the testimony of absent witnesses by interrogatories and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence, reported the same as amended ; which was concurred in.

Mr. Powell offered the following amendment to said bill, "Be it further enacted, that packets of interrogatories taken as aforesaid may be sent by mail to any clerk within this state, and that the certificate of the Post-master, or his deputy at the post-office where the same may be deposited for transmission, stating that it was received by him from one of the commissioners setting forth his name, shall be valid to all intents and purposes," which was adopted. Ordered that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Hopkins from the judiciary committee to which was referred a resolution of the Senate on the subject , made the following report : "Resolved that it is inexpedient so to amend the law as to authorize the courts to try causes at the return terms, unless the defendants will make affidavit of the truth of their pleas." Ordered that the Senate concur in said report.

Mr. Hopkins from the same committee to whom was referred the bill to be entitled, an act to repeal an act entitled an act to establish regular justices' courts in this state, passed 3d of Dec. 1823, reported that said committee had had the same under consideration, and had instructed him to report, that notwithstanding the law proposed to be repealed contains many defects, which require amendment , and in their opinion the whole act is of doubtful policy ; yet as sufficient

time may not have elapsed since its passage, to test the prosperity of impropriety of such a law, they think it inexpedient at present to pass the bill. Your committee are conducted to this conclusion from a belief that if the aforesaid law should now be repealed it might from this circumstance be revived in a short time ; whereas should it exist long enough to produce a fair and full experiment, if it should then be thought proper to repeal the same, the subject would probably not be brought again before the General Assembly. Mr. Hopkins moved that the report lie on the table, which was lost. Mr. Casey moved that the report lie on the table till tomorrow, which was carried.

Mr. Crabb obtained leave to introduce a bill to be entitled an act to alter and amend an act, passed Dec. 23d, 1823, entitled an act to establish a public road from the house of John Gandy in Morgan county to Baltimore or Morgan's springs in Blount county, which was read the first time. Ordered that said bill be made the order of the day for a second reading on tomorrow.

Mr. McCamy offered the following resolution : Resolved that the judiciary committee be instructed to enquire into the propriety and constitutionality of extending the counties of Jackson and Decatur into the Cherokee nation, for the purpose of giving the said counties their constitutional limits, with leave to report in the way they may think right.

Mr. Powell moved to amend said resolution by adding to the end thereof the words and all other counties similarly situated, and by striking out the words Cherokee nation, and inserting in lieu thereof the words Indian lands, which was determined in the affirmative . The resolution as amended was then adopted.

Mr. McVay presented the account of John W. Byrne for boarding a prisoner, which was referred to the committee on accounts & claims.

On motion of Mr. Hopkins ordered that the judiciary committee be discharged from the further consideration of the resolution instructing them to inquire into the expediency of altering the time of holding the commissioners courts.

Mr. Conner obtained leave to introduce a bill to be entitled an act to provide for the payment of jurors in Blount and St. Clair counties, which was read the first time. Ordered that said bill be made the order of the day for a second reading on tomorrow.

Bills from the house of representatives of the following titles, to wit: an act divorcing Wm. Roundtree from Sally Roundtree ; an act divorcing Sarah R. Swansey from James N. Swansey ; an act divorcing Elizabeth Fields from John Fields ; an act to emancipate certain slaves therein named ; an act to repeal part of the ninth section of an act entitled an act to regulate proceedings in chancery suits, passed Jan. 1st 1823 ; and, resolution in relation to unsettled land claims below the 31st degree of north latitude, and pre-emption rights, were severally read the first time. Ordered, that said bills be made the order of the day for a second reading on tomorrow.

Mr. President laid before the Senate the following communication from the Secretary of State :

Secretary's Office, Nov. 24, 1824.

Sir: In compliance with a resolution of the Senate of yesterday , I have the honor to transmit herewith an Abstract of the Census of Al-

abama, taken the current year. I have the honor to be your most obedient servant. JAMES J. PLEASANTS, Secretary of State.

The Hon. Nicholas Davis, President of the Senate.

Ordered, that the said communication, together with the accompanying documents be referred to the committee on the apportionment.

Mr. McCamy obtained leave to introduce a bill to be entitled an act to amend an act to regulate the licensing Physicians to practise, and for other purposes therein named, passed Dec. 23, 1823 ; which was read the first time and ordered to be read the second time on tomorrow.

A bill from the House of Representatives entitled an act for the relief of Abel Pennington, was read the third time and passed. Ordered, that the Secretary acquaint the House therewith.

A bill to be entitled an act to repeal in part and amend an act entitled an act to authorise David Peobles to continue a toll bridge over the Escambia creek in Conecuh county, was read the second time. Mr. Smith moved to amend said bill by striking out the word five, and inserting in lieu thereof the word fifteen, so as to make the penalty for receiving more toll than is authorised by law, fifteen dollars instead of five. Mr. Hopkins moved that the bill lie on the table, which was lost. The question was then put on Mr. Smith's motion to amend the bill and lost. Mr. Casey offered the following amendment to the said bill, Provided, the consent of the said David Peobles to this act be filed in the clerk's office of the county court in three months from the passage thereof ; which was adopted. Ordered, that said bill be made the order of the day for a third reading on tomorrow.

A bill to be entitled an act to amend an act passed at Huntsville on the 17th Dec. 1819, to prevent the frauds and fraudulent combination of speculators and other persons in the sales of the public lands in this state ; and an act making bastards capable of inheriting and transmitting inheritance on the part of their mother, were severally read the second time, and Ordered, to be engrossed for a third reading on tomorrow.

A bill to be entitled an act regulating proceedings on penal bonds, was read the second time, and Ordered to be committed to the committee on the judiciary, to consider and report thereon.

A bill to be entitled an act to repeal the third section of an act regulating the fees of Justices, Constables, and Lawyers, passed Dec. 31 1823, so far as the same relates to Justices fees, was read the second time;

Mr. McVay, moved that the further consideration of said bill be indefinitely postponed , which was determined in the affirmative — Yeas 10— Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. President	Crabb	McCamy	Moore	Powell
Conner	Hopkins	Metcalfe	McVay	Wood— 10.

Those who voted in the negative, are

Mr. Bibb	Coats	Shackleford	Sullivan
Casey	Devereux	Smith	Taggart- -8.

So the bill was indefinitely postponed.

A bill to be entitled an act to give Decatur county an additional election precinct, was read the second time.

Mr. Devereux offered an amendment to said bill providing for the establishing of an election precinct at the house of John E. Sentill, in

Covington county, which was adopted. Ordered that the bill lie on the table.

A bill to be entitled an act to retrench expences, was read the second time. On motion of Mr. Shackelford, ordered that the bill lie on the table.

A message from the house of representatives by Mr. Dodson, their clerk : Mr. President, the house of representatives concur in the resolution of your honorable body proposing to go into the election, on Saturday Dec. 4th at 3 o'clock P. M. of a Senator to the Congress of the United States, for the term of six years from the 4th of March next, and then he withdrew.

On motion the Senate adjourned till tomorrow morning at 10 o'clock.

Thursday, November 25, 1824.

The Senate met pursuant to adjournment.

Mr. Sullivan presented the petition of sundry inhabitants of Perry county, praying the enactment of a law the more effectually to prevent the fraudulent transfers of property, which was read, and ordered to be referred to the committee on the judiciary to consider and report thereon.

Mr. Wood from the military committee to which was referred a resolution of the Senate, made the following report : "The military committee to which was referred a resolution of the Senate instructing tem to enquire into the expediency of furnishing all the militia officers in this state, with one copy each of Scott's abridgment of military discipline, have had the same under consideration and beg leave to report, that it would not at this time be prudent to incur so great an expence. (Signed) J. WOOD, Chairman," which report was concurred in.

Mr. Hopkins from the judiciary committee to which was referred a resolution of the Senate on the subject of divorce, reported a bill to be entitled an act amendatory to an act concerning divorce, passed Dec. 21, 1820 ; which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Wood obtained leave to introduce a bill to be entitled an act to retrench county expences ; which was read, and ordered to be read the second time on tomorrow.

Mr. McVay offered the following resolution : Resolved that the committee on propositions and grievances be instructed to inquire into the expediency of reducing the pay of the present members of the General Assembly, and those that hereafter may be elected, with leave to report by bill or otherwise, which was rejected— Yeas 5— Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are

Mr. Conner	Crabb	Hopkins	McVay	Sullivan
------------	-------	---------	-------	----------

Those who voted in the negative, are

Mr. President	Coats	Metcalfe	Powell	Wood— 13
Bibb	Devereux	Moore	Shackelford	
Casey	McCamy	Murphy	Taggart	

So the resolution was rejected.

Mr. Wood offered the following resolution : Resolved that the committee on the judiciary be instructed to enquire into the expediency of reducing the pay of the present members of the General Assembly, and those that hereafter may be elected, with leave to report by bill or otherwise, which was rejected.

Mr. Powell moved that the reference be made to a special committee which was lost.

Mr. Hopkins who voted in the affirmative on the question to adopt the resolution offered by Mr. Wood, moved to reconsider the vote of the Senate by which said resolution was rejected, which was carried. The question was then put on the adoption of said resolution and determined in the negative; yeas 8— nays 10.

The yeas and nays being desired, those who voted in the affirmative, are
Mr. Casey Conner Murphy Shackleford Wood— 8
Coats McCamy McVay

Those who voted in the negative, are
Mr. President Crabb Hopkins Moore Sullivan
Bibb Devereux Metcalfe Powell Taggart— 10.

so the resolution was rejected.

Mr. Shackleford presented the petition of sundry purchasers of lots in Cahawba, praying to be authorised to relinquish a part of said lots and apply the money paid to the complete payment of part of the said lots so purchased, which was read and Ordered to be referred to a special committee consisting of Messrs. Shackleford, Murphy, and Casey.

Mr. McCamy obtained leave to introduce a bill to be entitled an act to prevent judges of the county court from issuing warrants in civil cases, which was read the first time and Ordered to be read the second time on tomorrow.

Mr. McVay offered the following resolution : Resolved that so much of the Governor's message of the 18th instant as relates to the militia law and officers, be referred to the military committee, with leave to report by bill or otherwise ; which was adopted.

Mr. Crabb called up the report the judiciary committee which was laid on the table yesterday, on the bill entitled , an act to repeal an act, entitled an act to establish regular justices courts in this state, passed 30th December 1823.

Mr. Bibb , moved that the Senate concur in said report, which was determined in the affirmative ; yeas 10— nays 9.

The yeas and nays being desired, those who voted in the affirmative, are
Mr. Bibb Conner Metcalfe Shackleford Sullivan
Casey Devereux Powell Smith Wood— 10.

Those who voted in the negative, are
Mr. President Crabb McCamy Murphy Taggart— 9
Coats Hopkins Moore McVay

so the report was concurred in.
Mr. Wood called up the bill to be entitled an act to retrench expenses : Mr. Moore offered the following amendment to said bill, And be it further enacted that the present members of the General Assembly and all members which may hereafter be elected, shall receive the following compensation, to wit : The President of the Senate and Speaker of the House of Representatives , each ——— dollars per day, and each member of the General Assembly shall receive three dollars per day, and three dollars for every twenty miles traveling to and from the seat of government, the most usual and common rout.

Mr. Shackleford moved to amend said amendment by striking out the word three where it proposes to fix the pay of the members of the General Assembly at three dollars per day, and insert in lieu thereof the word two.

Mr. Sullivan called for a division of the question and it was taken on

striking out the word three and determined in the affirmative, yeas 12
— nays 7.

The yeas and nays being desired, those who voted in the affirmative, are
Mr. Bibb Crabb Murphy Metcalfe Shackleford
Conner Devereux McCamy Sullivan Taggart— 12.
Coats Hopkins

Those who voted in the negative, are
Mr. President McVay Powell Smith Wood— 7.
Casey Moore

Mr. Bibb moved that the further consideration of said bill, together with the amendment, be postponed until the first day of the next session of the legislature, which was lost; yeas 6— nays 13.

The yeas and nays being desired, those who voted in the affirmative, are
Mr Bibb Devereux Shackleford Sullivan Taggart— 6.
Coats

Those who voted in the negative, are
Mr. President Crabb Murphy McVay Smith
Casey Hopkins Metcalfe Powell Wood— 13.
Conner McCamy Moore

so the bill was not postponed till the first day of the next session.

Mr. Casey moved that the Senate now resolve itself into a committee of the whole on said bill; which was lost.

Mr. McCamy moved that the bill, together with the amendments lie on the table till Monday next; which was decided in the negative, yeas 8— nays 11.

The yeas and nays being desired, those who voted in the affirmative, are
Mr. President Coats McCamy Smith Sullivan— 8.
Bibb Murphy Shackleford

Those who voted in the negative, are
Mr. Casey Devereux Metcalfe McVay Taggart
Conner Hopkins Moore Powell Wood— 11.
Crabb

so the bill was not laid on the table till Monday next.

The question was then put on the adoption of the amendment, offered by Mr. Moore, as amended and determined in the affirmative, yeas 15— nays 4.

The yeas and nays being desired, those who voted in the affirmative, are
Mr. President Coats Devereux Metcalfe Powell
Bibb Conner Hopkins Moore Smith
Casey Crabb McCamy McVay Wood— 15.

Those who voted in the negative, are
Mr. Murphy Shackleford Sullivan Taggart— 4.

So the amendment was adopted.

Mr. Murphy moved to amend the bill by striking out the words fifteen hundred, where it proposes to fix the salary of the Governor at fifteen hundred dollars so as to leave the amount blank, which was decided in the affirmative.

Mr. Murphy also moved to strike out the words twelve hundred and fifty where the bill proposes to fix the salaries of the circuit Judges at twelve hundred and fifty dollars per annum, so as to leave to amount blank, which was carried. Ordered, that said bill be engrossed and made the order of the day for a third reading on tomorrow.

A bill to be entitled an act to repeal in part and amend an act entitled an act to authorize David Peobles to continue a toll-bridge over

the Escambia creek in Conecuh county, was read a third time and passed. Ordered that the secretary acquaint the house therewith.

A bill to be entitled an act divorcing Wm. Roundtree from Sally Roundtree ; an act divorcing Sarah R. Swansey from James N Swansey; an act divorcing Elizabeth Fields from John Fields, were severally read a second time. Ordered that the bills together with the accompanying documents be referred to the committee on divorce and alimony to consider and report thereon.

A bill to be entitled an act to emancipate certain persons therein named ; and an act to repeal part of the 9th section of an act entitled an act to regulate proceedings in chancery suits, passed Jan. 1st , 1823, were severally read a second time, and ordered to be read the third time on tomorrow.

Resolutions in relation to unsettled claims below the 31st degree of north latitude, and pre-emption rights , were read the second time and Ordered to be committed to a committee of the whole, and made the order of the day for tomorrow.

An engrossed bill to be entitled an act the more effectually to obtain the testimony of absent witnesses by interrogatories and to remedy the inconvenience of their being called to distant counties for the purpose of given evidence, was read the third time amended by way of rider and ordered to be recommitted to the committee on the judiciary to consider and report thereon.

An engrossed bill to be entitled an act to amend an act, passed at Huntsville on the 17th Dec. 1819, to prevent the frauds and fraudulent combinations of speculators & other persons in the sales of public lands in this state, was read the third time . Mr. Powell offered an amendment to said bill, by way of rider, providing that all fines collected under the provisions of the act to which this is an amendment shall be paid into the county treasury ; which was rejected. The bill was then passed. Ordered that the title be as aforesaid, and that the same be sent to the house of representatives for their concurrence.

An engrossed bill to be entitled an act making bastards capable of inheriting and transmitting inheritance on the part of their mother, was read the third time and passed. Ordered that the title be as aforesaid and that the same be sent to the house of representatives for concurrence.

A bill to be entitled an act to incorporate the town of Florence ; and an act to alter or amend an act passed Dec. 23d, 1822, entitled an act to establish a public road from the house of John Gandy in Morgan county, to Baltimore or Morgan's springs in Blount county, were severally read the second time, and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled an act to amend an act to regulate the licensing Physicians to practise, and for other purposes therein named, passed Dec. 23d, 1823, was read the second time, and ordered to be referred to a special committee, consisting of Messrs. Casey, Moore and Shackelford to consider and report thereon.

A bill to be entitled an act to provide for the payment of jurors in Blount and St. Clair counties, was read the second time, and ordered to be referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled an act to establish a county therein named, and for other purposes, was read the second time : Mr. Crabb offered the

following amendment to said bill, "And be it further enacted, that the counties of Walker and shall compose a part of the middle Congressional district and the elections in said counties shall be held at the same time and conducted in the same manner as is provided for by an act to divide the state into Congressional districts for electing Representatives to Congress, passed Dec. 21, 1822, and the Sheriff of said counties shall make their returns of the election to the Sheriff of Tuscaloosa county in the same manner as provided for in said act, which was adopted. Ordered that said bill be referred to a special committee, consisting of Messrs. Wood, Conner, Bibb and Powell to consider and report thereon.

And then the Senate adjourned till tomorrow morning 10 o'clock.
Friday, Nov. 26, 1824.

The Senate met pursuant to adjournment.

Mr. Wood from the military committee to which was referred a resolution on the subject reported a bill to be entitled an act to divide the 32d Regiment of the militia of this state, which was read the first time , and ordered to be read the second time on tomorrow.

Mr. Hopkins from the judiciary committee to which was referred a bill to be entitled an act regulating proceedings on penal bonds, reported the same without amendment. Ordered that said bill be engrossed for a third reading on tomorrow.

Mr. Hopkins from the same committee to which was referred a bill to be entitled an act the more effectually to obtain the testimony of absent witnesses by interrogatories, and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence, reported the same as amended, which was concurred in. Ordered that said bill lie on the table.

Mr. Hopkins from the same committee to which was referred so much of the Governor's message as relates to the safe keeping of prisoners , reported a bill to be entitled an act more effectually to prevent the escape of prisoners committed for high crimes and misdemeanors, which was read the first time, and ordered to be read the second time on tomorrow.

Mr. Hopkins from the same committee to which was referred a bill to be entitled an act regulating sheriffs, reported as a substitute for the one referred to them, a bill to be entitled an act regulating sheriff's sales, which was agreed to.

Mr. Coats moved to amend the bill by striking out the word fifty, in the last section thereof, where it provides that whenever a newspaper is published within fifty miles of the place where the property is sold at sheriff's sales, that thirty day's notice of the time and place of such sale shall be given by advertisement printed in such newspaper, and insert in lieu thereof the word thirty, which was carried. Ordered that said bill be engrossed for a third reading on tomorrow.

Mr. Hopkins from the same committee to which was referred a bill to be entitled an act to provide for the payment of jurors in Blount and St. Clair counties, reported the same without amendment. Ordered that the said bill lie on the table.

A message from the house of representatives by Mr. Dodson, their clerk : Mr. President, I am instructed by the house of representatives to inform your honorable body, that they have read three times and

passed bills originating in their house, of the following titles, to wit: An act to exempt the citizens of the town of Elyton, in Jefferson county, and the town of Sommerville in Morgan county, and the town of Tuscumbia in Franklin county, from working on any road beyond the limits of said towns ; An act to repeal in part and amend an act entitled an act to authorize Rebecca Fletcher to emancipate a certain slave therein named, passed Dec. 29th, 1823 ; An act divorcing Abraham Beadle from Letitia Beadle ; An act concerning the issuing and executing of original process by justices of the peace ; An act for the relief of Charles Pearson ; Resolution in relation to certain objects of Internal Improvement within the state of Alabama : An act to establish the Mobile Society of Literature ; and An act declaring Cotaco, in Morgan county a public highway, in which they desire your concurrence.

They concur in the resolution of your honorable body proposing to go into the election of a State Printer , on Saturday next at 3 o'clock.

Mr. Casey offered the following resolution : Resolved, that the judiciary committee be instructed to inquire whether any new county, not having a sufficient population, but the fractions from the adjoining counties, when added would give the requisite number, could constitutionally be entitled to separate representation, which was adopted.

Mr. Powell obtained leave to introduce a bill to be entitled an act for rendering the decision of civil causes more speedy and less expensive than heretofore, which was read the first time, and ordered to be read the second time on tomorrow.

Bills from the House of Representatives of the following titles, to wit : an act declaring Cotaco in Morgan county a public highway ; resolution in relation to certain objects of internal improvement within the state of Alabama ; an act to establish the Mobile society of Literature ; an act for the relief of Charles Pearson; an act concerning the issuing and executing original process by justices of the peace ; an act to exempt the citizens of the town of Elyton in Jefferson county, and the town of Sommerville in Morgan county, and the town of Tuscumbia in Franklin county, from working on any roads beyond the limits of said towns ; an act to repeal part of an act entitled an act to authorise Rebecca Fletcher to emancipate a certain slave therein named, passed Dec. 29, 1823, and an act divorcing Abraham Beadle from Letitia Beadle, were severally read the first time and ordered to be read the second time on tomorrow.

A bill to be entitled an act to repeal part of the ninth section of an act entitled an act to regulate the proceedings in chancery suits, passed January 1st, 1823 ; and an act to emancipate certain persons therein named, were severally read the third time and passed. Ordered, that the Secretary inform the House of Representatives thereof.

The Senate according to order resolved itself into committee of the whole on the resolution in relation to unsettled land claims below the 31st degree of north latitude , and pre-emption rights, Mr. Bibb in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Bibb reported the same without a mendment. Ordered that said resolution be made the order of the day for a third reading on tomorrow.

An engrossed bill to be entitled an act to alter to amend an act, pas-

sed Dec. 23d, 1822, entitled an act to establish a public road from the house of John Gandy in Morgan county, to Baltimore on Morgan's springs in Blount county, was read the 3d time, the blanks filled, and passed. Ordered, that the title be as aforesaid, and that said bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled , an act to incorporate the town of Florence was read the 3d time and the blanks filled :

Mr. Powell offered an amendment to said bill by way of rider : Providing that the President of the said town of Florence shall take the oaths required by law to be taken by justices of the peace, which was read three several times and adopted.

Mr. McVay offered an amendment to said bill, by way of rider, providing that the citizens of the said town of Florence shall not be required to work on roads, beyond the limits of the said town, and that no person residing beyond the limits of said town shall be required to work on roads within the limits of the corporation – which was read three several times and adopted. The bill was then passed. Ordered that the title be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled, an act to retrench expenses , was read the third time. Mr. Sullivan moved to fill the first blank in the bill, where it fixes the salary of the Governor, with the words two thousand , so as to make his salary two thousand dollars ; which was determined in the negative. Yeas 9, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Bibb, Casey, Coates, Devereux, Hopkins, Murphy, Smith, Sullivan, Taggart– 9.

Those who voted in the negative are, Mr. President, Conner, Crabb, McVay, Metcalfe, Moore, McCamy, Powell Shackleford, Wood– 10.

So the blank was not filled with two thousand dollars.

Mr. Smith moved to fill the blank with the words nineteen hundred and fifty ; which was lost.

Mr. Sullivan moved to fill the blank with the word nineteen hundred ; which was determined in the negative. Yeas 9, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Bibb, Casey, Coats, Devereux, Hopkins, Murphy, Smith, Sullivan, Taggart– 9.

Those who voted in the negative are, Mr. President, Conner, Crabb, McCamy, Metcalfe, Moore, McVay, Powell Shackleford, Wood– 10.

So the blank was not filled with the words nineteen hundred.

Mr. Bibb moved to fill the blank with the words eighteen hundred ; which was carried.

Mr. Shackleford moved to fill the blank in the bill, where it relates to the salaries of the circuit judges, with the words seventeen hundred and fifty so as to fix their salaries at seventeen hundred & fifty dollars. per ann. each ; which was determined in the negative. Yeas 9, nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Bibb, Casey, Coats, Hopkins, Murphy, Shackleford ; Sullivan, Taggart– 9.

Those who voted in the negative are, Messrs. Conner, Crabb, Devereux, McCamy, Metcalfe, Moore, McVay, Powell Smith, Wood– 10.

So the blank was not filled with seventeen hundred and fifty dollars.

Mr. Casey moved to fill the blank with the words seventeen hundred ; which was decided in the negative. Yeas 9, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Bibb, Casey, Coats, Hopkins, Murphy, Shackleford, Sullivan Taggart— 9.

Those who voted in the negative are, Messrs Conner, Crabb, Devereux, McCamy, Metcalfe, Moore, McVay, Powell Smith, Wood— 10.

So the blank was not filled with the words seventeen hundred.

Mr. Smith moved to fill the blank with the words sixteen hundred ; which was lost. Yeas 4, Nays 15.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Devereux, McCamy, Smith— 4.

Those who voted in the negative are, Messrs. Bibb, Casey, Coats, Conner, Crabb, Hopkins , Metcalfe, Moore, Murphy, McVay, Powell, Shackleford, Sullivan, Taggart, Wood— 15.

So the blank was not filled with the words sixteen hundred dollars.

Mr. Wood moved to fill the blank with the words fifteen hundred which was determined in the negative. Yeas 8, Nays 11.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Conner, Crabb, Devereux, McCamy, Metcalf, Moore, Powell, and Wood— 8.

Those who voted in the negative are, Mr. President, Bibb, Casey, Coats, Hopkins, Murphy, M'Vay, Shackleford Smith, Sullivan and Taggart — 11.

On motion, the Senate adjourned till 3 o'clock this evening.

Evening Session— The Senate resumed the consideration of the bill entitled an act , to retrench expenses. Ordered, that the said bill be referred to a special committee consisting of Messrs. Crabb, Wood & Conner.

A bill to be entitled an act to retrench county expenses, was read the second time and ordered to be referred to a special committee, consisting of Messrs. Smith, Wood, Moore and M'Vay.

Mr. M'Camy called up the bill entitled an act to give Decatur county an additional election precinct. Mr. Crabb offered an amendment to said bill, providing for the discontinuance of the election precinct heretofore established at the house of Larkin R. Rogers, in Morgan county, and for the establishment of an election precinct at the house of Francis Dancy in said county ; which was adopted. Mr. Sullivan offered an amendment to said bill, providing for the discontinuance of the election precinct heretofore established at the house of R. Carroll in Perry county, and for the establishment of one at the store of John Barron in lieu thereof ; which was adopted. Ordered, that the said bill be again laid on the table.

A bill to be entitled an act to prevent the judges of the county courts from issuing warrants in civil cases ; And an act amendatory to an act concerning divorce, passed December 21, 1820, were severally read the second time, and ordered to be engrossed for a third reading on tomorrow.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, 27th November, 1824.

The Senate met pursuant to adjournment.

Mr. Coats presented the petition of Thomas Wright of Greene

county, praying the passage of a law authorising him to emancipate certain slaves, which was read, and ordered to be referred to the committee on propositions and grievances, to consider and report thereon. Mr. Wood from the special committee, to which was referred a bill to be entitled an act to establish a certain county therein named, reported the same without amendment. Ordered, that said bill be engrossed, and made the order of the day for a third reading on Monday next.

Mr. Hopkins ; from the judiciary committee, to which was referred the petition of sundry citizens of Perry county, to alter the law concerning the fraudulent claims of property, reported, that said committee have had the same under their consideration, and instructed him to report, that in their opinion, all the protection is afforded by the existing laws to the rights of judgment creditors, which could be extended without prejudice to what may be the just and valid claims of third persons to the property in the possession of the debtors or such creditors, which was concurred in.

Mr. Hopkins from the same committee to which was referred a resolution on the subject , made the following report : the judiciary committee to whom was referred a resolution instructing them to inquire whether a new county, not having a sufficient population ,but the fractions from the adjoining counties when added would give the requisite numbers can constitutionally be separately represented ; have had the same under their consideration & instructed me to report that the addition of the residuum of the population of any county to that of a new county, which does not contain a number of white inhabitants equal to the ratio fixed by law, for a representative, is not authorised by the sixteenth section of the sixth article of the constitution, which section is the only one in the constitution that provides for the representation of new counties, and expressly restricts their right to separate representation, until they are entitled by their own members, as a committee understand, the article, to such representation, nor is such addition of a residuum permitted by the eighth section of a third article of the constitution which directs the disposition of residuums ; this section authorises a residuum to be added to another residuum only, and secures the rights of representing the united residuums to the county having the largest number in them. The committee are therefore of opinion, that if the white inhabitants of a new county, are not equal to the ratio fixed by law for a representative, they must be considered as to the right of representation, as the inhabitants of the county or counties from which such new county was taken. (Signed) A. F. HOPKINS, Chairman.

Which report was concurred in.

Mr. Hopkins from the same committee to which was referred a resolution on the subject, reported a bill to be entitled an act , requiring plaintiffs to give security for costs, in all actions sounding in damages which may be hereafter instituted ; which was read a first time, and ordered to be read a 2d time on Monday next.

A message from the House of Representatives, by Mr. Tunstall, their assistant clerk. Mr. President the House of Representatives have read three times and passed bills originating in their House, entitled an act to authorise Mary Ann Kennedy to emancipate a certain slave therein named ; An act to repeal part of an act entitled an act declaring the old road from Warren Stone's in Montgomery county,

to the town of Montgomery, the state road, and for other purposes ; An act to repeal in part an act therein mentioned, and requiring the plea of set-off, or notice thereof in certain cases, in which they desire your concurrence. They concur in the amendment made by your honorable body to the bill entitled an act to repeal in part and amend an act, entitled an act to authorise David Peobles to continue a toll bridge over the Escambia Creek in Conecuh county. Mr. Bibb called up the bill entitled an act, the more effectually to obtain the testimony of absent witnesses by interrogatories and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence. On motion, Ordered, that the bill lie on the table till Wednesday next.

A bill from the House of Representatives, entitled an act to repeal in part an act therein mentioned, and requiring the plea of set-off , or notice thereof in certain cases ; An act to authorise Mary Ann Kennedy to emancipate a certain slave therein named ; And an act to repeal part of an act, entitled an act declaring the old road from Warren's Stone's in Montgomery county, to the town of Montgomery, the state road and for other purposes ; were severally read the first time and ordered to be read a second time on Monday next.

Mr. President laid before the Senate the following communication from Samuel Pickens, comptroller of public accounts.

COMPTROLLER'S OFFICE, Nov. 27, 1824.

SIR— I have the honor through you, to lay before the Senate the enclose report on the finances of the state for the year ending the 26th instant.

I am very respectfully your obt. servt.

SAMUEL PICKENS.

HON. NICHOLAS DAVIS, President of the Senate.

Ordered, That said communication, together with the accompanying document lie on the table, and that two hundred copies of said report, be printed for the use of the Senate.

Mr. Smith offered the following resolution, Resolved, that the judiciary committee be instructed to inquire into the expediency of passing a law authorising sheriffs , pay for collecting cost ; and report by bill or otherwise, which was rejected.

A resolution in relation to unsettled land claims, below the 31st degree of north latitude, and pre-emption rights, was read a third time and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act for the relief of Charles Pearson, was read the second time. Mr. McVay moved to amend the bill by striking out that part of it which gives Mr. Pearson interest on the amount he has overpaid into the treasury ; which was lost. Ordered, that said bill be made the order of the day for a third reading on Monday next.

A bill to be entitled, an act concerning the issuing and executing original process by justices of the peace ; was read the second time and ordered to be referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled, an act to establish the Mobile society of literature, was read the second time, and ordered to be read the third time on Monday next.

A bill to be entitled, an act to exempt the citizens of the town of

Elyton, in Jefferson county, and the citizens of the town of Sommer-ville, in Morgan county, and the citizens of the town of Tuscumbia, in Franklin county, from working on public roads beyond the limits of said towns, was read the second time, and ordered to be referred to the committee on roads, bridges and ferries, to consider and report thereon.

A message from the House of Representatives, by Mr. Dodson, their clerk : Mr. President , The House of Representatives have read a third a passed bills originating in their House entitled, An act to incorporate a volunteer infantry corps in the city of Mobile, to be styled, the Mobile Republican Greens ; An act amendatory of an act regulating escheats in this state and to appoint escheators, and for other purposes in which they desire your concurrence. The first bill mentioned in said message was read the first time, and the rule requiring all bills to be read on three several days being dispensed with, the said bill was read the second time forthwith, and ordered to be committed to the military committee, to consider and report thereon. The second bill mentioned in the said message was read the first time, and ordered to be read a second time on Monday next.

A bill to be entitled, an act declaring Cotaco, in Morgan county, a public highway, was read the second time and ordered to be read the third time on Monday next.

The following communication was received from the Governor, by Samuel Pickens, Esq.:

EXECUTIVE DEPARTMENT, November 27th, 1824.

Gentlemen of the Senate , and of the House of Representatives.

I have received the resignation of James J. Pleasants, Esq. as Secretary of State. In communicating to you this information , I am also requested to express the grateful sense entertained by that valuable and intelligent officer, for the evidence of confidence he has received from the General Assembly. I am respectfully , &c.

ISRAEL PICKENS.

A bill to be entitled, an act to repeal part of an act entitled an act to authorise Rebecca Fletcher to emancipate a certain slave therein named, passed Dec. 29, 1823, was read the second time and ordered to be read the third time on Monday next.

A bill to be entitled an act divorcing Abraham Beadle from Letitia Beadle, was read the second time, and ordered to be referred to the committee on divorce and alimony, to consider and report thereon.

Mr. Shackleford offered the following resolution : Resolved, that the Senate, with the concurrence of the House of Representatives, will convene in the Representative chamber, this day at the hour of 3 o'clock, for the purpose of electing a Secretary of State, to fill the vacancy occasioned by the resignation of James J. Pleasants ; which was adopted. Ordered, that the secretary acquaint the House therewith.

Resolution in relation to certain objects of internal improvement within the state of Alabama, was read the second time.

Mr. Sullivan offered an amendment to said resolution in relation to the improvement of the navigation of the Cahawba river, from its confluence with the Alabama to its falls in Bibb county ; which was adopted.

Mr. Moore moved to amend said resolution by striking out the word "Florence," and inserting the words "Marathon or head of the Mus-

cle Shoals ;" which was carried. Ordered, that said resolution be made the order of the day for a third reading on Monday next.

Engrossed bills of the following titles, to wit : An act to regulate proceedings on penal bonds ; An act regulating sheriff's sales ; An act amendatory to an act concerning divorce, passed Dec. 21, 1820 ; and an act to prevent judges of the county courts from issuing warrants in civil cases ; were severally read the third time and passed. Ordered, that the titles of said bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

A message from the House of Representatives, by Mr. Dodson their clerk : Mr. President, the House of Representatives concur in the resolution of your honorable body, proposing to go into the election of a Secretary of State, this evening at three o'clock.

And then the Senate adjourned till 3 o'clock this evening.

Evening Session— A message from the House of Representatives, by Mr. Dodson, their clerk : Mr. President, the House of Representative have adopted the following resolution : Resolved, that the Senate be informed the House of Representatives are ready to receive them in the Hall to go into the election of a State Printer, Secretary of State, and Judge of the county court of Montgomery county, and that the west part of the Hall be prepared for their reception :

Whereupon the members of the Senate repaired to the Hall of the House of Representatives, and after having taken the seats assigned them, Mr. President arose and announced the object of their meeting ; when both Houses proceeded to the election of a Judge of the county court of Montgomery county : Benajor S. Bibb alone being in nomination. For Mr. Bibb 76 votes.

Those who voted for Mr. Bibb, are

Mr. President	Sullivan	Crenshaw	Martin	Pickens of D.
Casey	Taggart	Cunningham	McVay	Pickens of G.
Coats	Wood	Dale	McCord	Pickett
Conner	Mr. Speaker	Dickinson	Mead	Rather
Crabb	Abercrombie	Dinsmore	Merriwether	Ruffin
Devereux	Bagby	Edmondson	Metcalf	Shackleford
Hopkins	Barton	Exum	Miller	Shotwell
McCamy	Baylor	Farrar	Moore of J. Skinner	
Metcalfe	Baxter	Fleming	Moore of Ma.	Tapscot
Moore	Beck	Fluker	Moore of Mo.	Tindall
Murphy	Byler	Gaines	Morton	Vining
McVay	Camp	Green	Oliver	Watson
Powell	Coleman	Hill	JonesParham	Weissinger
Shackleford	Cook	Lanier	Perkins	Worthington
Smith	Creagh	Mardis	Peyton	White— 76.

Benajor S. Bibb having received a majority of the whole number votes , was declared by Mr. Speaker to be duly elected Judge of the county court of Montgomery county.

Both Houses then proceeded to the election of a State Printer :

Wm. B. Allen and Thomas P. Lumpkin being in nomination — For Mr. Allen 40— Mr. Lumpkin 35 votes.

Those who voted for Mr. Allen, are

Mr. Casey	Sullivan	Creagh	Merriwether	Pickens of G.
Coats	Taggart	Crenshaw	Metcalf	Pickett
Crabb	Wood	Cunningham	Miller	Shackleford
McCamy	Mr. Speaker	Dinsmore	Moore of J.	Shotwell

Metcalfe	Baylor	Farrar	Moore of Ma.	Skinner
Murphy	Beck	Fluker	Moore of Mo.	Tindall
McVay	Byler	Gaines	Peyton	Vining
Smith	Coleman	Jones	Pickens of D.	Worthington– 40.

Those who voted for Mr. Lumpkin, are

Mr. President	Shackleford	Dale	Martin	Perkins
Bibb	Abercrombie	Dickinson	McVay	Rather
Conner	Bagby	Exum	McCord	Ruffin
Devereux	Barton	Fleming	Mead	Tapscot
Hopkins	Baxter	Green	Morton	Watson
Moore	Camp	Hill	Oliver	Weissinger
Powell	Cook	Lanier	Parham	White— 35.

The Speaker thereupon declared Wm. B. Allen duly elected.

Both Houses then proceeded to the election of a Secretary of State to supply the vacancy occasioned by the resignation of J. J. Pleasants James I. Thornton, William Bower, and John E. Graham, being in nomination, the votes were,

For Mr. Thornton 53— For Mr. Bower 10— For Mr. Graham 14.

The Speaker thereupon declared James I. Thornton duly elected.

Those who voted for Mr. Thornton, are

Mr. President	Shackleford	Edmondson	Mead	Pickens of G.
Bibb	Mr. Speaker	Exum	Merriwether	Rather
Coats	Abercrombie	Farrar	Metcalf	Ruffin
Conner	Baylor	Fleming	Miller	Shotwell
Crabb	Baxter	Fluker	Moore of J. Skinner	
Hopkins	Byler	Gaines	Moore of Ma.	Tapscot
McCamy	Camp	Hill	Morton	Tindall
Metcalf	Coleman	Lanier	Parham	Vining
Moore	Creagh	Mardis	Perkins	White
McVay	Dickinson	Martin	Peyton	Worthington
Powell	Dinsmore	M'Vay		53.

Those who voted for Mr. Bower, are

Mr. Casey	Wood	Crenshaw	Jones	Pickens of D.
Taggart	Beck	Cunningham	M'Cord	Weissinger— 10

Those who voted for Mr. Graham, are

Mr. Devereux	Sullivan	Cook	Moore of Mo.	Shackleford
Murphy	Bagby	Dale	Oliver	Watson— 14.
Smith	Barton	Greene	Pickett	

The electing having been completed the Senate withdrew and returned to their own chamber, and the President resumed the chair ; when on motion the Senate adjourned till Monday morning at 10 o'clock.

Monday, November 29th, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Dodson their clerk. Mr. President — The House of Representatives have read three times and passed a bill originating in their House, entitled an act the better to provide for the punishment of escapes, in which they desire your concurrence.

Mr. Coats presented the petition of sundry citizens of Marengo county, respecting the state road ; which was read and ordered to be referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr. Casey from the joint committee, appointed to examine into the condition of the state arsenal, and the public arms therein, made the following report : The committee appointed by the Senate to join the committee appointed on the part of the House of Representatives , to examine and report the situation of the arsenal, and the public arms therein, have met the committee of the Representative branch, and

have performed the duty assigned them. From the examination they have been able to make, they find all the new arms in very good order, many of the old arms have been repaired and are now in good or-

der. The arsenal will require a new roof and to be ceiled. Your committee would suggest the propriety of purchasing some coarse baize to line the boxes in which the guns are kept ; they recommend an appropriation of dollars for the above purpose, and to employ a person to rub and oil the guns at least once a year. For the further information of the Senate, they beg leave to present the report of the quarter master general. (Signed) T. CASEY, Chairman

Ordered, That said report of the committee , and of the quarter master general, be referred to the military committee to consider and report thereon.

Mr. Crabb from the special committee, to which was referred the bill to be entitled an act to retrench expenses, made the following report, the special committee to which was referred a bill, to be entitled an act to retrench expences ; have had the same under consideration, and beg leave to report , that they do not conceive it necessary at this time to take into consideration the propriety of reducing the salary of the judge of the circuit courts in this state, particularly as at the next General Assembly, whose duty it will be to appoint the judges and whose salary the bill contemplates a reduction, will in the opinion of your committee, previous to their making such elections take into consideration that subject ; nor are your committee willing to recommend a reduction of the compensation of the members of this Senate, or of the next General Assembly at this time, after having for two sessions received for their services the amount heretofore fixed by law. Your committee would recommend the adoption of the following resolution. Resolved, that it is inexpedient at this time to pass the bill, entitled an act to retrench expenses. On motion of Mr. Moore, Ordered that said report lie on the table.

Mr. Bibb from the committee on propositions and grievances to which was referred the petition of Thomas Wright, reported a bill to be entitled an act for the emancipation of slaves George and Sarah ; which was read the 1st time, & ordered to be read the 2d time tomorrow.

On motion of Mr. Bibb, Ordered, that the committee on propositions and grievances be discharged from the further consideration of the resolution instructing them to inquire into the expediency of so amending the revenue law as to exempt from taxation any slaves over ten years old, which by any accident are rendered incapable of service.

Mr. Crabb obtained leave to introduce a resolution providing for the further distribution of the statute laws of the state of Alabama ; which was read the first time, and ordered to be read the 2d time on tomorrow.

On motion of Mr. Powell the following resolution was unanimously adopted : Resolved , unanimously, that the Senate entertain the highest regard and esteem for the official conduct of James J. Pleasants, Esq. late Secretary of State, whilst acting in that capacity. Resolved, furthermore, that the President of the Senate cause to be communicated to the said James J. Pleasants, Esq. the manner in which his official services are appreciated by that body.

Mr. McCamy obtained leave to introduce a bill to be entitled, an act to repeal so much of the law relating to usury as makes the party forfeit and lose the whole value or amount of money loaned : which was read the first time and ordered to be read the 2d time tomorrow.

Mr. Conner called up the bill to be entitled an act to provide for the

payment of jurors in Blount and St. Clair counties. Ordered, that said bill be engrossed, and made the order of the day for a third reading on tomorrow. A bill from the House of Representatives entitled, an act the better to provide for the punishment of escapes, was read the first time, and ordered to be read the 2d time on tomorrow. On motion of Mr. Wood, Ordered, that the bill to be entitled an act, to divide the 32d regiment of the militia of this state be laid upon the table.

A bill to be entitled an act the more effectually to prevent the escape of prisoners committed for high crimes and misdemeanors ; and an act for rendering the decision of civil causes more speedy and less expensive, than heretofore ; were severally read the second time. Ordered, that said bills be referred to the committee on the judiciary, to consider and report thereon. Bills from the House of Representatives of the following titles, to wit : An act to establish the Mobile society of literature ; An act to repeal part of an act entitled an act to authorise Rebecca Fletcher, to emancipate a certain slave therein named passed Dec. 29, 1823 ; And an act declaring Cotaco in Morgan county a public highway, were severally read the third time and passed. Ordered, that the secretary acquaint the House therewith.

Resolution in relation to certain objects of internal improvement within this state of Alabama, was read the third time as amended and passed. Ordered, that the same be returned to the House of Representatives, and their concurrence desired in the amendments made thereto

Bills of the following titles, to wit : An act amendatory of an act regulating escheats in this state, and to appoint escheators, and for other purposes ; An act to repeal in part an act therein mentioned , and requiring the plea of set-off, or notice thereof in certain cases ; And an act to authorise Mary Ann Kennedy to emancipate a certain slave therein named, were severally read a second time. Ordered, that said bills be made the order of the day for a third reading on tomorrow.

A bill to be entitled an act, declaring the old road from Warren Stones in Montgomery county, to the town of Montgomery, the state road, and for other purposes ; was read the second time. Ordered that said bill be referred to the committee of roads, bridges and ferries, to consider and report thereon. A bill to be entitled an act for the relief of Charles Pearson, was read the third time and passed. Ordered , that the secretary acquaint the House therewith.

An engrossed bill to be entitled an act, to establish a county therein named ; and for other purposes, was read the third time.

Mr. Powell moved to fill the first blank in the bill where it provides for the name of the county, with the word Fayette, in consideration of the high sense entertained by this General Assembly for the distinguished services and character of General Fa Fayette, which was carried. The remainder of the blanks were then filled and the bill passed. Ordered that the title be aforesaid, and that said bill be sent to the House of Representatives for their concurrence. A bill to be entitled an act requiring plaintiffs to give security for the costs of suit in all actions, sounding in damages which may hereafter be instituted, was read the second time, and ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Conner, Ordered, that Mr. Powell be added to the committee on divorce and alimony.

Mr. Wood offered the following resolution : Resolved , that the committee on propositions and grievances be instructed to inquire into the expediency of so altering the existing law as not to allow a higher county tax to be levied than one third part of the state tax on each article subject to taxation, with leave to report by bill or otherwise ; which was adopted.

Mr. Moore from the joint committee on enrolled bills, reported as correctly enrolled, An act to prevent the abatement of suits at common law ; And an act to authorise the emancipation of a certain slave therein named ; which were accordingly signed by Mr. President.

Mr. Casey offered the following resolution : Resolved, that the committee on county boundaries be instructed to examine and report whether there be a sufficiency of territory in the counties of Jackson and Decatur to form two constitutional counties, which was adopted.

Mr. Devereux offered the following resolution, Resolved, that the committee on roads, bridges and ferries be instructed to enquire into the propriety of so amending an act, entitled an act supplementary to the several acts in relation to highways, bridges and ferries, passed on the 12th of December 1820, that the same may answer the purposes for which it was intended, which was adopted.

Ordered that Messrs. Metcalfe & Devereux be added to the committee on apportionment. On motion of Mr. Shackleford, Ordered that Mr. Casey be executed from serving on the committee appointed on the petition of the citizens of Cahawba : Ordered that Mr. Sullivan be added to that committee.

And then the Senate adjourned till tomorrow morning at 10 o'clock. Tuesday 30th Nov. 1824. The Senate met pursuant to adjournment.

A message from the House of Representatives , by Mr. Dodson, their clerk : Mr. President, the House of Representatives have read three times and passed, bills originating in their House entitled, an act for the relief of Joseph Burleson ; An act to establish a state road leading from the city of Mobile to the Mississippi state line, in which they desire your concurrence.

Mr. Casey presented the petition of Messrs. Gary and Norris, lessees of the public ferry at Cahawba, praying relief in consequence of the county court having reduced the rate of ferriage, which was read and ordered to be referred to the committee on propositions & grievances.

Mr. Casey from the committee on roads, bridges & ferries, to which was referred the bill entitled an act to repeal part of an act declaring the old road from Warren Stones, to the town of Montgomery, the state road, and for other purposes, reported that it is inexpedient to pass the bill ; which was concurred in.

Mr. Casey from the same committee to which was referred a resolution, directing them to inquire into the expediency of so amending the laws as to compel owners of ferries and toll bridges over water courses to keep in repair at their own expense the banks of such water courses, &c. reported , that the law now in force is deemed sufficient for the purpose required ; which was concurred in.

Mr. Casey from the same committee, to which was referred a resolution instructing them to inquire into the propriety of reducing into one act the several acts of the General Assembly in force on the subject of roads, bridges, and ferries with such amendments thereto, as

said committee may deem necessary, reported that in the opinion of your committee, it is unnecessary at this time to reduce into one the several acts above referred to, which was concurred in.

Mr. Hopkins from the judiciary committee, to which was referred a resolution instructing them to inquire into the constitutionality of extending the counties of Jackson and Decatur into the Indian lands, for the purpose of giving the said counties their constitutional limits, and all other counties similarly situated, reported that said committee have considered the same, and had instructed him to report that the seventeenth section of the sixth article of the constitution, which prohibits the formation of a county of less extent than nine hundred square miles, authorises land only to which the Indian title shall have been extinguished, to be included in a county. Your committee are therefore of opinion, that the constitution does not authorise the extension of the boundaries of a county, so as to include land to which the Indians have title, which was concurred in.

Mr. Wood from the military committee, to which was referred a bill to be entitled an act to incorporate a volunteer infantry corps in the city of Mobile, to be styled The Mobile Republican Greens, reported the same as amended, which was concurred in. Ordered, that said bill be made the order of the day for a 3d reading on tomorrow.

Mr. Sullivan from the committee on divorce and alimony to which was referred a bill to be entitled an act, divorcing William Roundtree from Sally Roundtree, made a report against the passage of said bill, which together with the bill, was ordered to lie upon the table.

Mr. Hopkins presented the report of a majority of the commissioners appointed by an act of the last session of the General Assembly, for the purpose of procuring surveys and estimates, of the expense of improving the navigation of the Tennessee river, which was read and is as follows:

To the Honorable the General Assembly of the State of Alabama.

The undersigned, being a majority of the commissioners appointed by an act passed at your last session for the purpose of procuring surveys and estimates of the expense of improving the navigation through the muscle shoals and Colbert's shoals in the Tennessee river, and to ascertain the practicability and best mode of effecting the same, whether for batteaux or large boats, and whether by sluicing, cannalling or otherwise; beg leave to lay before you a report of the steps they have taken, and of the efforts they have made to execute the commission confided to them. A contract was entered into with Mr. John Martineau, an engineer of some experience from the state of New York, who had come to this part of the country the preceding fall with the high recommendation of Benjamin Wright, esq. the distinguished engineer, and superintendant of the grand Erie, canal. Mr. Martineau had lately been employed in surveying and laying out a route for the Indian creek canal, in which he had given entire satisfaction to the company. The commissioners bound themselves in their individual and private capacities to pay Mr. Martineau at the rate of ten dollars per day for the time he might be engaged, and to allow him the further sum of two dollars per day for an assistant engineer should he deem one necessary, and to pay all necessary expenses for board, assistance &c. By the conditions of the contract, the engineer was bound

to commence on the discharge of his duties on or before the first day of June last, and to proceed in the execution thereof with all due diligence, so as to have the same completed before the 29th of September ensuing, and in all respects relating thereto, to be governed by the instructions of the commissioners. The necessity of previously visiting New York on the part of the engineer and the probability that the state of the river would not admit of an examination to advantage earlier than June, induced the commissioners to fix on that period for the commencement of operations. It is much to be regretted, that unavoidable circumstances, produced a failure on the part of the engineer to comply with his engagement, unfortunate events growing out of his domestic relations, occasioned his detention until too late to effect any thing during the past season, he has however, now arrived among us, and expressed great willingness to afford his services should they be required, and his employment again authorised by your honorable body. The commissioners have not had it in their power from a want of the necessary data, to lay before you an estimate of the amount of produce at present transported on this river; much less have they been able to estimate the probable amount that will be transported on it, when improved so as to admit of uninterrupted up stream navigation : a very superficial view however, of the vast extent of country watered by the Tennessee and its tributary streams, must satisfy the most sceptical, that the abundance, value and variety of its products, must at no very distant day, give existence to an extensive commerce up its waters. Taking its rise in the salt, iron lead and plaster districts of Western Virginia, the noble stream traverses the fine grain and grazing country of East Tennessee, and tending to the south through a more genial climate and soil, waters the fertile cotton plains of northern Alabama, and finally, again traversing the state of Tennessee, after a course of near a thousand miles, unites its waters with those of the Ohio in the state of Kentucky, offering throughout its whole course, with the exception of the muscle shoals, the suck and a few other obstructions of trifling character a stream equal if not superior for the purposes of navigation to any of the tributary branches of the Mississippi. It is deemed unnecessary to advert to its present state, the fact is too notorious to require to be stated, that from the steam boat landing below the muscle shoals, nothing passes upwards, not even the smallest batteaux, (if are excepted a few that have been carried up as an experiment) and that the navigation downwards can only be effected at a time of, very high water, and is always exceedingly hazardous ; articles of foreign production required for the use of the country above are transported in wagons, from Nashville, Augusta, Lynchburg and even Baltimore, over mountains and along roads which necessity alone, could render passable. The river itself is the natural channel for the trade of the country through which it passes, and requires only such improvements as are practicable, and in all probability at this time expedient to divert it from the course which it takes at present to the great disadvantage and almost incalculable expense of those concerned. Until a survey and estimates by some competent engineer are obtained, it will be almost impossible to approximate to a correct opinion on the subject ; your commissioners however entertain but little doubt.

that a moderate toll on articles passing will afford an adequate and ample remuneration for the capital that will be required to make the necessary improvements in the most permanent and durable manner ; and they do not despair of seeing, at a period not very remote, this useful and desirable object accomplished.

The neighboring state of Tennessee and a portion of Virginia are as much or more deeply interested than Alabama, and may be confidently relied on to contribute their aid to the undertaking. In a national point of view its importance is so obvious, as affording facilities in supplying our weak maritime frontier, in time of war ; the iron, lead, saltpetre, and other valuable munitions, which are furnished in abundance by the up country, that it cannot fail to attract the attention and receive the efficient aid of the general government. Your commissioners would respectfully suggest the propriety of memorializing the Congress of the U. States ; representing in a fair and candid manner the claims of this state to early attention, for the purpose of engaging the co-operation of the board of engineers with such person as may be employed by the state to make examinations and surveys of the Tennessee river. They do not , however, conceive that it would be prudent on the part of the General Assembly to rely exclusively on the United States' engineers ; for although composed as the corps is, of men of unquestionable ability as military engineers, and well versed in the theory of civil engineering, it is presumed they have not had that experience in the latter branch which would qualify them fully to plan improvements and to estimate, accurately, the expense of execution. It is therefore, submitted to your honorable body whether it would not be most proper to renew the act of your last session, authorising the employment of an engineer ; should this course be adopted it is recommended to increase the amount of the appropriation, so as to render it fully adequate to the object ; and your commissioners are of opinion that less than fifteen hundred dollars would be found insufficient. With the hope that your honorable body will receive with indulgence and give to the few remarks submitted, that consideration which the importance of the subject merits, your commissioners beg leave to assure you of their profound respect.

(Signed) TH. FEARN, }
C. C. CLAY, } Commis'rs.

November, 1824 NICH's DAVIS, }

Ordered, that said report be referred to the committee on inland navigation to consider and report thereon.

Mr. Bibb, from the committee on propositions and grievances to which was referred a resolution on the subject, reported a bill to be entitled, an act concerning county tax ; which was read the first time, and ordered to be read the second time tomorrow.

Mr. Hopkins obtained leave to introduce a bill to be entitled, an act for the relief of George A. Glover, assessor and tax collector of Lawrence county for the year 1823 ; which was read the first time and ordered to be read the second time on tomorrow.

Mr. Powell obtained leave to introduce a bill to be entitled, an act to alter the time of holding the county court of Tuscaloosa county; which was read the 1st time & ordered to be read the 2d time tomorrow.

Mr. Conner obtained leave to introduce a bill to be entitled, an act to authorise the judges of the county courts to practice law out of the

county in which they may reside ; which was read the first time, and ordered to be read the second time on tomorrow.

A bill from the house of representatives entitled, an act to establish a public road from the city of Mobile to the Mississippi state line, and an act for the relief of Joseph Burleson ; were severally read the first time, and ordered to be read the second time on tomorrow.

Mr. Sullivan offered the following resolution : Resolved, that the committee on propositions and grievances inquire into the expediency of altering the law concerning public weighers in the city of Mobile and whether the operations of said law are not in some instances oppressive ; with leave to report by bill or otherwise.

Mr. Casey moved to amend said resolution, by striking out the word "altering," and inserting in lieu thereof the word "repealing;" which was lost. The resolution was then adopted.

Mr. Crabb called up the bill entitled, an act to divide the thirty-second regiment of the militia of this state. Ordered, that said bill be engrossed, and made the order of the day for a 3d reading on tomorrow.

Bills of the following titles, to wit ; An act to authorise Mary Ann Kennedy to emancipate a certain slave therein named ; An act to repeal in part an act therein mentioned, and requiring the plea of set-off or notice thereof in certain cases ; and, An act regulating escheats and to appoint escheators, and for other purposes, were severally read the 3d time and passed. Ordered that the secretary acquaint the House therewith.

A bill to be entitled an act to provide for the punishment of escapes was read the 2d time, and ordered to be referred to the committee on the judiciary to consider and report thereon.

An engrossed bill, to be entitled, an act to provide for the payment of jurors in Blount and St. Clair counties ; and An act requiring plaintiffs to give security for costs of suit in all actions sounding in damages, which may be hereafter commenced, were severally read the third time and passed. Ordered that the titles of said bills be as aforesaid and that they be sent to the House of Representatives for their concurrence.

A bill to be entitled, an act to repeal so much of the law relating to usury as makes the party forfeit and lose the whole value or amount of money loaned, was read the 2d time : Mr. Moore moved that the further consideration of said bill be indefinitely postponed, which was carried— Yeas 13— Nays 6.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Casey, Coats, Crabb, Hopkins, Moore, Murphy, Powell, Shackelford, Smith, Sullivan, Taggart, Wood— 13.

Those who voted in negative, are, Messrs. Bibb, Conner, Devereux, McCamy, Metcalfe, McVay— 6. So the bill was indefinitely postponed.

A message from the House of Representatives by Mr. Dodson their clerk : Mr. President, the House of Representatives have adopted the following resolution, Resolved that a message be sent to the Senate requesting them to return to this House at a convenient time, the communication of the Governor of Ohio, to his excellency the Governor of this state, which accompanied the message of his excellency to this House, on the subject of emancipating and colonizing the slaves in the United States. They concur in the amendments made by your hon-

orable body to the resolution in relation to certain objects of Internal improvement within the state of Alabama.

A bill to be entitled an act for the emancipation of slaves George and Sarah, was read the 2d time : Mr. Casey moved that the further consideration of said bill be indefinitely postponed, which was lost— Yeas 8— Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Bibb, Casey, Coats, Crabb, Devereux, Metcalfe , McVay, Sullivan— 8.

Those who voted in the negative are, Mr. President, Conner, Hopkins, McCamy, Moore, Murphy, Powell, Shackelford, Smith, Taggart— 10.

So the motion to postpone was rejected. Ordered that said bill be engrossed and made the order of the day for a 3d reading on tomorrow.

A resolution providing for the further distribution of the statute laws of the state of Alabama, was read the 2d time. Ordered that said resolution be engrossed and made the order of the day for a 3d reading on tomorrow.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, 1st , Dec. 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Dodson their clerk : Mr. President, the House of Representatives have adopted the following resolution, in which they desire your concurrence, Resolved that with the concurrence of the Senate, the committee on enrolled bills appointed on the part of this House, be a joint committee to act with the committee on enrolled bills appointed on the part of the Senate. They have read a 3d time and passed bills originating in your house, entitled an act making bastards capable of inheriting and transmitting inheritance on the part of their mother ; and an act to alter or amend an act, passed Dec. 23, 1822, entitled an act to establish a public road from the house of John Gandy in Morgan county, to Baltimore or Morgan's springs in Blount county. They have also read a 3d time and passed a bill originating in their House, to be entitled an act declaring Flint river in Morgan county a public highway, in which they desire your concurrence.

Mr. Coats presented the petition of sundry inhabitants of Greene county, praying that a bridge may be erected at the expense of the state over big creek on the state road in said county, which was read, and ordered to be referred to the committee on roads, bridges and ferries to consider and report thereon.

Mr. Devereux presented the petition of Samuel Gates of Covington county, praying to be authorised to erect a toll bridge in said county, which was read and referred to the committee on roads bridges and ferries.

Mr. Coats presented the petition of sundry citizens of the town of Greensborough in Greene county, praying to be exempted from working on roads beyond the limits of said town, which was read, and ordered to be referred to a special committee consisting of Messrs. Coats, Caesy and Conner, to consider and report thereon.

Mr. Shackelford from the special committee to which was referred the petition of the citizens of the town of Cahawba, reported a bill to be entitled an act to provide for the extinguishment of the debt due to the state of Alabama, by the purchasers of lots in the town of Ca-

hawba, which was read the first time. Ordered, that said bill be made the order of the day for a second reading on tomorrow. Mr. Sullivan from the committee on divorce and alimony, to which was referred bills of the following titles, to wit : An act divorcing Sarah R. Swansey from James N. Swansey ; An act divorcing Elizabeth Fields from John Fields ; And an act divorcing Abraham Beadle from Letitia Beadle, and reported said bills without amendment. Ordered, that they be made the order of the day for a third reading on tomorrow.

Mr. Crabb from the committee on county boundaries to which was referred a resolution instructing them to examine whether there be a sufficiency of territory in the counties of Jackson and Decatur to form two constitutional counties, reported, that said committee have had the same under consideration, and after examining the map of the state, have no hesitation in saying, that there is not, there being nor more than thirty-four townships within the limits of the two counties, which was agreed to.

Mr. Bibb from the committee on propositions and grievances to which was referred a resolution of the Senate concerning public weighers in the city of Mobile, reported, that said committee have considered the same and from various considerations they believe public weighers to be necessary officers in that city. Your committee are however, impressed with the belief , that the law on that subject is oppression in the fee or allowance of the aforesaid officers. They therefore recommend such a modification in the law, as to reduce the sum allowed for weighing each bale of cotton, for this purpose he reported a bill to be entitled an act to alter and amend an act, authorising the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile ; which was read the first time. Ordered that said bill be made the order of the day for a 2d reading on tomorrow.

Mr. Moore from the committee on enrolled bills, reported as correctly enrolled, An act to emancipate certain persons therein named ; And an act to alter the time of holding the county courts of Lawrence and Jackson counties, which were accordingly signed by Mr. President.

Mr. Hopkins from the judiciary committee to which was referred the bill to be entitled an act for rendering the decision of civil causes more speedy and less expensive than heretofore, reported the same without amendment. Ordered that said bill be engrossed and made the order of the day for a 3d reading on tomorrow.

A bill from the House of Representatives entitled an act declaring Flint river in Morgan county, a public highway, was read the 1st time and ordered to be read a 2d time tomorrow.

Mr. McVay offered the following resolution, Resolved that the committee on roads, bridges and ferries be instructed to inquire into the expediency of repealing so much of the law, as makes it the duty of overseers of roads to notify the clerks of the county courts or their acceptance of the appointment as such, with leave to report by bill or otherwise ; which was adopted.

Mr. Wood offered the following resolution, Resolved that the military committee be instructed to inquire into the expediency of revising , amending and consolidating the militia law and report by bill or otherwise. Mr. Powell moved to amend said resolution by striking out

the words revising and consolidating, which was carried. The resolution as amended, was then adopted.

Mr. Casey offered the following resolution, Resolved that the judiciary committee be instructed to enquire into the constitutionality of carrying residuums so as to operate on counties each one of which does not adjoin, which was adopted.

Mr. Sullivan offered the following resolution, Resolved that the return of the census made by the secretary of state be referred to the committee on accounts and claims, which was adopted.

Mr. Taggart offered the following resolution, Resolved that the judiciary committee be instructed to enquire into the expediency of repealing the law giving the judges of the county courts, exercising chancery jurisdiction, cognizance of divorce & alimony, which was rejected.

On motion of Mr. Conner, Ordered that Mr. Wood be added to the committee on apportionment. Ordered that Mr. Taggart, be added to the same committee.

A bill to be entitled an act to incorporate a volunteer infantry corps in the city of Mobile, to be styled the Mobile Republican Greens, was read the 3d time : Mr. Casey then moved to reconsider the vote of the Senate on ordering said bill to a 3d reading, which was carried :

Mr. Casey then moved to amend the bill by striking out the second section thereof, which authorises the Governor to issue a supply of arms and accoutrements to said company, which was carried. Ordered that said bill be made the order of the day for a 3d reading on tomorrow.

A bill to be entitled an act for the relief of Joseph Burleson was read the 2d time and ordered to be read a 3d time tomorrow.

A bill to be entitled an act to establish a state road leading from the city of Mobile to the Mississippi state line, was read the second time:

Mr. Devereux offered the following amendment to said bill ; Provided that the said commissioners shall not proceed to the discharge of the duties required of them by this act until the state of Mississippi shall provide by law for laying out a road to intersect the road contemplated by this act ; and provided also, that said commissioners shall be compensated out of the county treasury of Mobile county ; which was adopted.

Mr. Coats offered the following amendment to said bill, And be it further enacted that the aforesaid commissioners shall take and subscribe an oath, before some justice of the peace, to lay off said road the nearest and best route without favor or affection, and with the least possible injury to individuals through whose lands the same may pass, which was adopted. Ordered that said bill be made the order of the day for a 3d reading on tomorrow.

A message from the House of Representatives by Mr. Dodson their clerk : Mr. President, the House of Representatives have read three times and passed bills, originating in their house, entitled, an act to provide for the raising of a fund for the support of an Academy and a Hospital in the county of Baldwin ; An act to regulate the sale of slaves by constables ; An act providing for the further distribution of the statute laws of Alabama ; and, An act for the improving the navigation of the port and harbor of Mobile, in which they desire your concurrence. And the Senate adjourned till 3 o'clock this evening.

Evening Session.

A message from the House of Representatives, by Mr. Dodson, their clerk. Mr. President : The House of Representatives have read three times and passed a bill originating in your House entitled an act regulating proceedings on penal bonds , which they have amended in the following manner : by striking out in the 2nd line of the 2nd section, these words, on demurer, or by confession, or nil dicet, and inserting in lieu thereof, the following words : on confession for an indefinite sum, or on demurer, or by nil dicet, in which amendment they desire your concurrence. On motion, ordered, that the Senate concur in said amendment , and the secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives, entitled an act to provide for the raising of a fund for the support of an academy and a hospital in the county of Baldwin, was read the first time, and ordered to be read a 2d time on tomorrow.

A bill, to be entitled an act to provide for the further distribution of the statute laws of the state of Alabama, was read the first time and laid on the table.

A bill from the House of Representatives, entitled an act to regulate the sale of slaves by constables, and an act for improving the navigation of the port and harbor of Mobile ; were severally read the first time and ordered to be read the 2d time on tomorrow.

An engrossed bill to be entitled an act , for the emancipation of slaves George and Sarah, was read a 3d time and ordered to lie on the table till tomorrow.

A resolution providing for the further distribution of the statute laws of the state of Alabama, was read the 3d time and passed. Ordered, that the bill be as aforesaid, and that said resolution be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act to divide the thirty-second regiment of the militia of this state, was read the 3d time and passed. Ordered , that the title be as aforesaid, and that said bill be sent to the House of Representatives for concurrence.

A bill to be entitled an act to authorise judges of the county courts to practice law out of the county in which they may reside ; was read the 2d time, and ordered to be referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act for the relief of George A. Glover, assessor and tax collector of Lawrence county in the year 1823, was read the 2d time. Ordered , that said bill be engrossed and made the order of the day for a 3d reading on tomorrow. A bill to be entitled an act to alter the time of holding the county court of Tuscaloosa county, was read the 2d time. Ordered, that said bill be engrossed and made the order of the day for a 3d reading on tomorrow.

A bill to be entitled an act concerning county tax was read the 2d time. Mr. M'Camy offered the following amendment to said bill "and be it further enacted, that all the monies hereafter arising in the different counties in this state ; from tavern licenses and retailers of spirituous liquors, shall be paid over by the county clerks to the county treasurers for the purpose of paying jurors." Mr. Powell moved to amend said amendment by striking out the words for the purpose of paying jurors, and

inserting the words for county purposes which was carried. Ordered that the bill together with the amendments lie on the table till tomorrow.

On motion of Mr. Shackelford, ordered, that the bill entitled an act the more effectually to obtain the testimony of absent witnesses by interrogatories, and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence; be laid upon the table till tomorrow. And then the Senate adjourned till tomorrow morning at 10 o'clock.

Thursday, December 2, 1824.

The Senate met pursuant to adjournment.

Mr. Bibb presented the petition of sundry citizens of Montgomery county concerning a road in said county ; which was ordered to be laid upon the table. Mr. Coats from the special committee, to which was referred the petition of citizens of Greensborough, reported a bill to be entitled an act pointing out the manner by which the streets in the town of Greensborough shall be opened and kept in good order, which was read the first time. Ordered that said bill be made the order of the day for a 2d reading on tomorrow.

Mr. Hopkins from the judiciary committee, to which was referred a resolution instructing them to inquire into the constitutionality of carrying residuums so as to operate on counties, each one of which does not adjoin, reported that they have had the same under consideration, and are of opinion that the literal import of the constitution would require that the county receiving a residuum, and the counties transferring this residuum so as to give an additional member to one of them, should touch and bound severally on each and every one of each other. Your committee, however, are of opinion that the spirit, intent and design of the constitution will be carried into effect by permitting residuums to be transferred to any county having the largest residuum; Provided that the counties so transferring residuums are adjoining to the county to which such transfer is made, although the counties so transferring do not adjoin, and bound on each other. And the committee beg leave to recommend to the Senate to permit transfers of residuums in such cases to be made, as in their opinion it will facilitate the doing equal justice in the apportionment of the representation of the state. Ordered that the Senate concur in said report.

Mr. Hopkins from the same committee to which was referred a bill to be entitled an act to authorise judges of the county courts to practice law out of the county in which they may reside, report the same as amended ; which was concurred in. Mr. Devereux moved to amend the bill by adding the words such judges of the county courts as have obtained a license to practise as attorneys, which was carried. Ordered that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Casey from the committee on roads, bridges and ferries, to which was referred the petition of Samuel Gates, praying for the liberty to erect a toll bridge over Conecuh river, reported the following resolution. Resolved that it is inexpedient to interfere as the county courts are vested with sufficient authority to grant the prayer of the petitioner, should they think proper so to do, which report was concurred in.

Mr. Casey from said committee to which was referred the petition

of sundry citizens of Greene county, praying for an appropriation of a part of the 3 per cent fund to build a bridge over deep creek in said county, reported that said committee have had the same under consideration and are of opinion that it would be inexpedient at this time to grant the prayer of the petitioners . Ordered, that said report be laid upon the table.

Mr. Bibb moved that the committee on propositions and grievances be discharged from the further consideration of the petition of Messrs. Gary and Norris, which was lost.

Mr. Bibb from said committee, to which was referred the said petition then made the following report. The committee on propositions and grievances, to which was referred the petition of William W. Gary and Samuel G. Norris, have considered of the same, and deem it inexpedient to grant the relief asked for, ordered that said report lie upon the table. Mr. Bibb obtained leave to introduce a bill to be entitled an act concerning public roads in the county of Montgomery, which was read the first time. Ordered that said bill be made the order of the day for a second reading, on tomorrow. A bill to be entitled an act divorcing Sarah R. Swansey from James N. Swansey, was read the third time and on the question being put, shall the bill pass ? it was determined in the negative. Yeas 10, Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Moore, Powell, Sullivan— 10.

Those who voted in the negative are, Messrs. Bibb, Casey, Metcalf, Murphy M'Vay, Taggart, Wood— 7.

So the bill was rejected, a majority of two thirds being necessary to pass it.

A bill to be entitled an act for improving the navigation of the port and harbor of Mobile, was read the second time, and committed to a special committee, consisting of Messrs. Murphy, Taggart, and Hopkins to consider and report thereon.

Mr. Shackleford called up the report of the special committee, of which Mr. Crabb was chairman, on the bill to be entitled an act to retrench expenses, which was made on the 29th ultimo, and which was adverse to the passage of the bill. Mr. Wood moved that the Senate disagree to said report, which was lost. Yeas 6, Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Casey ,Metcalf, Moore, McVay, Powell and Wood— 6.

Those who voted in the negative, are Messrs. President, Bibb, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Murphy, Shackleford, Smith, Sullivan, Taggart— 13. So the report was not disagreed to.

Mr. Moore offered the following resolution : whereas the constitution requires that when the white inhabitants of this state shall be one hundred thousand and upwards that the number of Representatives shall never be less than sixty, nor more than one hundred ; and whereas from the returns of the last census it appears there are 133,505, white inhabitants in this state. And whereas, it is the interest of this state to have as small a number of Representatives as are allowed by the constitution. Therefore resolved, that the committee on the apportionment be instructed to bring in a bill restricting the number of Representatives to the lowest number required by the constitution as can be done without doing palpable injustice. Mr. Murphy moved to

amend said resolution by striking out the words as can be done without doing palpable injustice, and inserting in lieu thereof the words, as may consist with doing equal justice to every part of this state, which was carried.

Mr. Casey moved that said resolution lie on the table, which was carried. Yeas 11, Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Coats, Conner, Devereux, Metcalf, Shackelford, Smith, Sullivan, Taggart, Wood— 11.

Those who voted in the negative, are, Messrs. President, Crabb, Hopkins, M'Camy, Moore, Murphy, M'Vay, Powell— 8.

So the resolution was laid on the table.

Mr. Crabb obtained leave to introduce a bill, entitled an act to provide for the opening and keeping in repair a certain road therein described ; which was read the first time and ordered to be read a 2d time on tomorrow.

On motion of Mr. Shackelford, Resolved, that the state printer cause to be printed for the use of the Senate one hundred copies of the treasurer's report.

Mr. Taggart obtained leave to introduce a bill entitled an act more effectually to guard the public funds of the counties in this state ; which was read the 1st time, and ordered to be read the 2d time on tomorrow.

A bill to be entitled an act divorcing Abraham Beadle, from Letitia Beadle was read the 3d time, and passed by a constitutional majority. Yeas 12, Nays 5.

The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Moore, Powell, Sullivan, Taggart, Wood— 12.

Those who voted in the negative, are Messrs. Bibb, Metcalf, Murphy, M'Vay, Smith— 5.

So the bill was passed. Ordered that the secretary acquaint the House of Representatives therewith.

An act to incorporate a volunteer infantry corps in the city of Mobile, to be styled the Mobile republican greens ; was read the third time amended and passed. Ordered that the secretary acquaint the House therewith.

Engrossed bill to be entitled an act for the relief of Joseph Burleson, was ordered to lie upon the table.

A bill to be entitled an act divorcing Elizabeth Fields from John Fields, was read the 3d time and rejected. Yeas 5, Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Crabb, Hopkins, M'Camy, Moore, Powell.

Those who voted in the negative, are Messrs. President, Bibb, Casey, Coats, Conner, Devereux, Metcalfe, Murphy, M'Vay, Smith, Sullivan, Wood— 12.

A bill to be entitled an act declaring Flint River in Morgan county a public highway, was read the 2d time, and ordered to a 3d reading on tomorrow.

A bill to be entitled an act to provide for the raising of a fund for the support of an Academy and Hospital in the county of Baldwin was read the 2d time, and referred to the committee on roads, bridges and ferries. And then the Senate adjourned till tomorrow 10 o'clock.

Friday, 3d Dec. 1824.

The Senate met pursuant to adjournment.

Mr. Casey from the committee on roads, bridges and ferries, report-

ed a bill to be entitled an act to alter the time of appointing overseers of roads, which was read the 1st time, and ordered to be read the 2d time on tomorrow.

Mr. Wood, who voted on the successful side, moved to reconsider the vote of the Senate on passage of a bill to be entitled an act divorcing Sarah R. Swansey from James N. Swansey, which was carried. The question was then put, shall the bill pass? and decided in the negative — Yeas 11, Nays 6.

The yeas and nays being required, those who voted in the affirmative, are, Mr. President, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Moore Powell, Smith, Sullivan— 11.

Those who voted in the negative are, Messrs. Bibb, Casey, Metcalfe, Murphy McVay, Wood— 6. So the bill was rejected, a majority of two thirds being necessary to pass it.

A message from the Governor by J. I. Thornton, esq. secretary of state ; Mr. President, I am directed by Governor to inform you, that he did on the 2d inst. approve and sign, An act to prevent the abatement of suits at common law, which originated in this honorable body.

Mr. Moore from the committee on enrolled bills , reported as correctly enrolled, An act to repeal in part and amend an act to authorise David Peobles to continue a toll-bridge over the Escambia creek in the county of Conecuh ; Resolution in relation unsettled land claims below the 31st degree of north latitude and pre-emption rights ; An act to repeal part of the 9th section of an act entitled an act to regulate proceedings in chancery suits, passed Jan. 1, 1823 ; An act for the relief of Abel Pennington ; An act making bastards capable of inheriting and transmitting inheritance on the part of their mother ; and, An act to alter or amend an act passed Dec. 23d, 1822, entitled an act to establish a public road from the house of John Gandy in Morgan county to Baltimore or Morgan's springs in Blount county ; all of which were accordingly signed by Mr. President.

A bill to be entitled an act to provide for the extinguishment of the debt due to the state of Alabama by the purchasers of lots in the town of Cahawba, was read the 2d time. Ordered , that said bill be referred to the select committee, which reported it, to consider & report thereon.

A bill to be entitled an act to regulate the sale of slave by constables was read the 2d time, and ordered to be referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to establish a state road leading from the city of Mobile to the Mississippi state line, was read a 3d time. Mr. Powell moved to consider the vote of the Senate on ordering said bill to a 3d reading, which was carried. Mr. Moore moved to reconsider the vote of the Senate on the adoption of Mr. Devereux's amendment to said bill, which was carried. Mr. Moore then offered an amendment to said bill providing that the expense of laying off said road shall be paid out of the county treasury of Mobile county, which was adopted. The rule requiring all bills to be read on three several days being dispensed with, said bill was read the 3d time, as amended and passed. Ordered that the secretary acquaint the house of representatives therewith.

An engrossed bill to be entitled an act to alter the time of holding the county court of Tuscaloosa county, was read the 3d time : Mr. Coats offered an amendment to said bill, by way of rider, altering the

time of holding the county courts in Greene county to the first Mondays in June and December , which was read three several times and adopted. Mr. Conner offered an amendment to said bill by way of rider, altering the time of holding the court of commissioners of roads and revenue in St. Clair county, to the 2d instead of the 1st Monday in August in each and every year, which was read three several times and adopted : the bill was then passed. Ordered , that the title be, an act to alter the time of holding the county courts in the counties Tuscaloosa , Greene and St. Clair. Ordered that said bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the relief of George A. Glover assessor and tax collector of Lawrence county in the year 1823 ; and an act for rendering the decision of civil causes more speedy and less expensive than heretofore, were severally read the 3d time and passed. Ordered that the titles of said bills be as aforesaid, and that they be sent to the House of Representatives for concurrence.

A bill to be entitled an act to alter and amend an act to authorise the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile, was read the 2d time, and ordered to be referred to a special committee, consisting of Messrs. Taggart, Murphy and Moore to consider and report thereon.

An engrossed bill to be entitled an act the more effectually to ensure the testimony of absent witnesses by interrogatories and to remedy the inconvenience of their being called to distant counties for the purpose of giving evidence, was read the 3d time and passed – Yeas 12, Nays 7.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Bibb, Casey, Coats, Conner, Devereux, Hopkins, Metcalfe, Moore , Shackleford, Smith, Taggart– 12.

Those who voted in the negative, are, Messrs. Crabb, McCamy, Murphy, McVay, Powell , Sullivan, Wood– 7. So the bill was passed.

Ordered that the title be, an act more effectually to ensure the testimony of absent witnesses by interrogatories. Mr. Sullivan moved to insert the words, in suits on contracts after the word interrogatories, which was lost. Ordered that the bill be sent to the House of Representatives for their concurrence.

An engrossed bill to be entitled an act for the emancipation of slaves George and Sarah, was read the 3d time and passed. Ordered that the title of said bill be as aforesaid and that it be sent to the House of Representatives for concurrence.

A bill to be entitled an act declaring Flint river in Morgan county a public highway, was read the 3d time and passed. Ordered that the secretary acquaint the House of Representatives therewith.

An engrossed bill to be entitled, an act to authorise judges of the county courts to practice law out of the counties in which they may reside, was read the 3d time and passed. Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act to provide for the opening and keeping in repair a certain road therein described, was read the 2d time, and laid on the table.

A bill to be entitled an act concerning public roads in the county of Montgomery : and an act pointing out the manner by which the streets

in the town of Greensborough shall be opened and kept in good order were severally read the 2d time, and ordered to be engrossed for a 3d reading on tomorrow.

A bill to be entitled an act more effectually to guard the public funds of the several counties in this state, was read the 2d time, and ordered to be referred to the committee on the judiciary to consider and report thereon.

Mr. Wood obtained leave to introduce a bill to be entitled an act to retrench the expenses of this state, and for other purposes, which was read the 1st time and ordered to be read the 2d time on tomorrow.

Mr. Bibb obtained leave to introduce a bill to be entitled an act authorising executors, &c. to relinquish lands under the act of Congress of the 18th May 1824 ; which was read the 1st time and ordered to be read the 2d time tomorrow.

On motion of Mr. Taggart, Ordered that Messrs. Murphy and Casey be added to the committee appointed on so much of the Governor's annual communication as relates to African slaves.

Mr. Shackelford from the special committee to which was referred the bill to be entitled, an act to provide for the extinguishment of the debt due to the state of Alabama by the purchasers of lots in the town of Cahawba, reported the same as amended, which was concurred in.

Mr. Moore offered the following amendment to said bill, Provided that this act shall not be so construed as to remit any interest but such as may accrue after the first Monday in December 1824, which was adopted : On motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was considered as engrossed and read a 3d time forthwith and passed— Yeas 15, Nays 4.

The yeas and nays being desired , those who voted in the affirmative are, Mr. President, Bibb, Casey, Coats, Conner, Devereux, Hopkins, Moore , Murphy, Powell, Shackelford, Smith, Sullivan, Taggart, Wood— 15.

Those who voted in the negative are, Messrs. Crabb, McCamy, Metcalfe , McVay— 4.

So the bill was passed. Ordered , that the title be as aforesaid, and that the said bill be sent to the House of Representatives for their concurrence.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, December 4, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Tunstall their assistant clerk— Mr. President , the House of Representatives have read a third time and passed a bill originating in your honorable body entitled An act to establish a county therein named, and for other purposes. They disagree to the amendment made by your honorable to a bill entitled, An act to incorporate a volunteer infantry corps in the city of Mobile, to be styled 'the Mobile Republican Greens,' by striking out the second section thereof— They concur in the amendment made by your honorable body to said bill by adding two additional sections. They have read a third time and passed bills which originated in their house, of the following titles, to wit : An act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate, and for other purposes ; A joint resolution authorising the Comptroller to issue his warrant in favor of Ew'd Herndon, for services as

assistant adjutant general ; Joint resolution authorising and requiring the Governor to issue arms to volunteer companies of infantry therein named ; An act to alter the place of selling lands and negroes by the sheriff of Bibb county in certain cases ; An act appointing agents to select a certain quarter section of land for the county of Shelby and for other purposes ; An act to repeal in part and amend an act, passed Dec. 17, 1823, authorising Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named. In which they desire your concurrence.

Mr. Bibb presented a petition of a company of light infantry in Montgomery county, praying to be furnished with arms & c. which was read and ordered to be referred to the military committee, to consider and report thereon.

On motion of Mr. Shackleford, Ordered that the Senate recede from their amendment to the bill entitled, an act to incorporate a volunteer infantry corps in the city of Mobile, to be styled the Mobile Republican Greens, by striking out the second section thereof. Ordered that the secretary acquaint the House therewith.

Mr. President laid before the Senate the following communication from John Beck, a member of the House of Representatives:

Cahawba, December 4, 1824

To the President of the Senate of the state of Alabama : – Sir, I am so unwell that I cannot attend the House. The election for Senator to the Congress of the United States, I consider of the utmost importance to the vital interest of the state of Alabama.

I would request you to lay the subject before the House and that the House would procrastinate the election till I can attend to give my vote— or that the House would devise some mode to receive my vote by members authorised by the House, and clerks for that purpose, and that my vote in that manner may be entered on the journals of the House. Very respectfully, (Signed) JOHN BECK.

Ordered , that said communication lie on the table.

Bills and joint resolution from the House of Representatives, of the following titles, to wit : An act to alter the place of selling lands and negroes by the sheriff of Bibb county, in certain cases ; An act appointing agents to select a certain quarter section of land for the county of Shelby, and for other purposes ; An act to repeal in part and amend an act passed Dec. 17, 1823, authorising Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named ; An act authorising and empowering the school commissioners of the 16th section, 4th township, and 7th range in the distract of lands sold at Huntsville, to lease a small part thereof for the purpose of having a mill erected thereon ; Joint resolution authorising the comptroller to issue his warrant in favor of Edward Herndon for services as assistant adjutant general ; and An act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate, and for other purposes ; were severally read a first time ; ordered that said bills be made the order of the day for a second reading on Monday next.

A joint resolution , from the House of Representatives authorising and requiring the Governor to issue arms to volunteer companies of

infantry therein named, was read the first time, and ordered to lie on the table till Monday next.

Mr. Conner obtained leave to introduce a bill to be entitled, an act to amend an act entitled an act to amend an act to establish a public road from Ditto's Landing to Marston Mead's in Blount county ; which was read the 1st time and ordered to be read the 2d time on Monday next.

Engrossed bills to be entitled an act concerning public roads in the county of Montgomery ; and, an act pointing out the manner by which the streets in the town of Greensboro' shall be opened and kept in good order, were read the 3d time and passed. Ordered that the titles be as aforesaid, and that they be sent to the House for concurrence.

A bill to be entitled, an act to alter the time of appointing overseers of roads, was read the 2d time. Mr. McVay offered the following amendment to said bill : Sec. And be it further enacted, that so much of the sixth section of an act, entitled an act to reduce into one the several acts concerning roads, bridges, ferries and highways , passed Dec. 21, 1820, as makes it the duty of every person appointed overseer of a road to notify the clerks of their county courts of their acceptance or refusal to act as such, be and the same is hereby repealed ; which was adopted. Ordered that said bill be committed to the committee on roads, bridges and ferries, to consider and report thereon.

A bill to be entitled, an act authorising executors, &c. to relinquish lands under the act of Congress of the 18th May, 1824, was read the second time and ordered to be referred to the committee on the judiciary, to consider and report thereon.

A bill to be entitled, an act to retrench the expenses of this state and for other purposes, was read the second time. Mr. Hopkins moved that 60 copies of said bill be printed for the use of the Senate. Mr. Wood moved that 100 copies of said bill be printed for the use of the Senate, which was carried. Yeas 12, Nays 6.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Conner, Crabb, Hopkins, Metcalfe, Moore, M'Vay, Powell, Shackleford, Smith, Sullivan, and Wood— 12.

Those who voted in the negative are, Messrs. Bibb, Coats, Devereaux, M'Camy, Murphy and Taggart— 6.

On motion of Mr. Taggart, Ordered , that said bill lie on the table.

Mr. Wood offered the following resolution : Resolved, that the Senate, with the concurrence of the House of Representatives, will appoint a member of the Senate to receive the vote of the Hon. John Beck, a representative from the county of Wilcox, now confined in his bed by sickness, in the election for a Senator to the Congress of United States, to take place this evening at 3 o'clock, and have appointed on their part and request the House of Representatives to appoint a member of their body with their clerk, to act with the aforesaid member and secretary, receiving the aforesaid vote, and that the same be entered on the journals of the General Assembly. Ordered , that said resolution lie on the table for the present.

Mr. Taggart moved to reconsider the vote of the Senate on the passage of the bill entitled an act divorcing Sarah R. Swansey from James N. Swansey, which was carried. The question was then put, shall the bill pass? and determined in the affirmative by a constitutional majority. Yeas 12, Nays 3.

The yeas and nays being required, those who voted in the affirmative are, Mr. President, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Moore, Powell, Smith, Sullivan, Taggart— 12.

Those who voted in the negative, are, Messrs. Metcalfe, McVay, Wood— 3.

Ordered , that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till half after 2 o'clock this evening.

Evening Session.

Mr. Caesy obtained leave to introduce a joint resolution entitled, a resolution authorising Mr. Beck, a member from Wilcox county, to vote in his room, which was read the first time. On motion the rule which requires all joint resolutions to be read on three several days was dispensed with, and said resolution was read the 2d time forthwith. On motion , the rule was further dispensed with, and said resolution was considered as engrossed and read the third time and passed. Yeas 10, Nays 7.

The yeas and nays being desired on the passage of said resolution, those who voted in the affirmative, are,

Messrs. Casey, Coats, Crabb, McCamy, Metcalfe, Murphy, Smith, Sullivan Taggart, Wood— 10.

Those who voted in the negative, are, Mr. President, Bibb, Hopkins, Moore McVay, Shackelford— 7. So the resolution was passed.

Ordered , that the title be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A message from the House of Representatives, by Mr. Tunstall their assistance clerk. Mr. President, I am instructed by the House of Representatives to inform your honorable body that they have read three times and passed a resolution, which originated in your honorable body entitled, a resolution, authorising Mr. Beck a member from Wilcox county to vote in his room, and have amended the same in the manner herewith shewn ; in which amendment they desire your concurrence.

On motion, ordered that the Senate concur in the amendment made by the House of Representatives to said resolution. Ordered that the secretary acquaint the House therewith.

Mr. Moore from the joint committee of enrolled bills, Reported as correctly enrolled, A resolution authorising Mr. Beck, a member from Wilcox to vote in this room ; which was accordingly signed by Mr. President.

A message from the Governor , by J. I. Thornton, Esq. secretary of state. Mr. President, I am instructed by the Governor to inform you, that he did on this day approve and sign, A resolution authorising Mr. Beck, a member from Wilcox county, to vote in his room ; which originated in your honorable body.

In pursuance of a resolution of the two Houses, Mr. appointed Messrs. Murphy and Crabb as a committee on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives, who, together with the secretary of the Senate and the clerk of the House of Representatives, are to wait upon and receive at his room, Mr. Beck's vote in the election for Senator to the Congress of the United States, for six years after the 4th day of March next ; which is appointed to take place this day at 3 o'clock, P. M. Ordered, that the secretary acquaint the House therewith and desire their concurrence.

A message from the House of Representatives by Mr. Tunstall— Mr. President, the house of representatives concur in the order of the senate, appointing a committee to wait on Mr. Beck, at his room, and to receive his vote in the election for a Senator to the Congress of the United States, and have appointed on their part Messrs. Baylor and Camp. The following message was also received from the house of representatives by Mr. Tunstall— Mr. President, the house of representatives have adopted the following resolution : Resolved, that a message be sent to the senate informing that body that the house of representatives is convened and ready to proceed to the election of a Senator to Congress, pursuant to a joint resolution of the General Assembly. Resolved that the west end of the representative hall be appropriated to the accommodation of the Senate ;

Whereupon , on motion of Mr. Coats the senate repaired to the hall of the house of representatives , and after having taken their seats, Mr. President arose and announced that the two houses had assembled together for the purpose of electing a Senator to represent this state in the Congress of the United States, for the term of six years from and after the 4th day of March next. Mr. White , of the house of representatives, nominated for that office Henry Chambers, and Mr. Moore of J. put in nomination for that office the Hon. William Kelly.

The joint committee appointed to wait on Mr. Beck at his room and receive his vote in the election of Senator, then proceeded to the discharge of that duty, and after they returned made the following report.

The joint committee consisting of Messrs. Murphy and Crabb, on the part of the Senate, and Messrs. Camp and Baylor, on the part of the House of Representatives , who were appointed to wait on John Beck, a sick and absent member of the House of Representatives in order to ascertain who the said Beck would vote for to represent the state of Alabama, as a Senator in the Congress of the United States, have performed that duty, and have instructed me to report, that the said committee waited on and informed the said Beck, that the Legislature had assembled in the House of Representatives to elect a Senator as aforesaid, and that Messrs. Chambers and Kelly were in nomination for that office ; whereupon the said Beck did vote viva voce, in the presence and hearing of said committee for the honorable William Kelly, which vote was duly recorded and taken down by the secretary of the Senate, and the clerk of the House of Representatives.

(Signed) R. E. B. Baylor James W. Camp
Thos. D. Crabb, John Murphy.

On the part of the Senate,

Both Houses then proceeded to vote viva voce for Senator, and upon counting the votes they were found to stand thus— for Henry Chambers 41, for the honorable William Kelly 36.

Those who voted for Henry Chambers , are

Mr. President	Shackleford	Cook	Green	Hill	Parham
Bibb	Mr. Speaker	Creagh	Lanier	Perkins	
Conner	Abercrombie	Cunningham	Martin		Rather
Devereux	Bagby	Dale	McVay		Ruffin
Hopkins	Barton	Dickinson	Morton		Tapscot
Moore	Baxter	Dinsmore	McCord	Tindall	
McVay	Byler	Exum	Mead	Watson	
Powell	Camp	Fleming	Oliver		White— 41.

Those who voted for Mr. Kelly, are

Mr. Casey	Sullivan	Farrar	Miller	Pickett
Coats	Taggart	Fluker	Moore of J. Shackleford	
Crabb	Wood	Gaines	Moore of Ma.	Shotwell
McCamy	Baylor Beck	Jones	Moore of Mo.	Skinner
Metcalfe	Coleman	Mardis	Peyton	Vining
Murphy	Crenshaw	Merriwether	Pickens f D.	Weissinger
Smith	Edmondson	Metcalf	Pickens of G.	Worthington— 16.

Dr. Henry Chambers having received a majority of the whole number of votes, was declared by Mr. Speaker to be duly elected a Senator to represent this state, in the Congress of the United States, for the term of 6 years, from and after the 4th day of March next.

The election having been completed the Senate withdrew. When on motion the Senate adjourned till Monday morning at ten o'clock.

Monday, December 6th, 1824.

The Senate met pursuant to adjournment.

Mr. Powell presented the account of James Knox, which was ordered to be referred to a committee of accounts and claims.

Mr. Taggart from the special committee to which was referred the bill to be entitled, an act to alter and amend an act authorising the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile, Reported the same as amended ; which was concurred in. Ordered that said bill be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Taggart from the special committee to which was referred the bill to be entitled an act for improving the navigation of the port and harbor of Mobile made the following report, "the committee report the bill without amendment , excepting that the committee recommend that foreign vessels should pay the same duty on their tonnage as American vessels are required to pay the bill," Mr. Murphy moved to amend the bill in conformity with said report, by striking out fifteen and inserting ten, so as to make the duty on foreign vessels ten per cent per ton, which was carried. The bill was then read the 3d time as amended and passed. Ordered that the secretary acquaint the House therewith.

Mr. Wood from the military committee to which was referred the the report of the quarter master general, made the following report :— The military committee to which was referred the report of the quarter master general have had the same under consideration and beg leave to report, they recommend an appropriation for repairing the roof of the arsenal and for the purchase of baize to line the boxes containing the public arms, and that the quarter master general be authorised to carry the same into effect. (Signed) JOHN WOOD, Chairman.

Ordered that the Senate concur in said report ; ordered that the said report of the quarter master general be spread upon the journal of the Senate, which said report is as follows, to wit:

Report of camp equipage, Quarter-master General's stores, &c. in possession of Col Matthew D. Thomason, Quar-master General for the state of Alabama,

W. Tents, C. Tents, Tent Poles, Camp Kettles, Knapsacks, Haversacks, Pick axes, Falling axes, Spades and Shovels, none.

823 muskets— 823 bayonets— 774 belts— 781 boxes— powder, cartridges bar lead and cannon, none— 600 flints— 8 lbs. ball and shot— 240 pistols— 25 screw-drivers— 120 sabres for cavalry— 120 belts— 120 belt plates, all in good order.

4 muskets, damaged

104 muskets and bayonets, transmitted to Huntsville, by order of the Governor in Nov. 1821.

70 do. do. transmitted to Claiborne, by order of Gov. in Aug. 1822.

32 do. do. yet in possession of the Cahawba Guards.

70 do. do. forwarded to Tuscaloosa, under the act of 1822, in obedience to the order of Capt. Griffin, captain of a volunteer company.

Total— 1143 muskets— 1139 bayonets— 774 belts— 781 boxes— 600 flints— 8 lbs. ball and shot— 240 pistols— 25 screw drivers— 120 sabres for cavalry— 120 belts do.— 120 belt plates do.

I do hereby certify on honor that the above report exhibits a true statement of all the camp equipage, quarter-master general's stores and ordnance belonging to the state of Alabama, agreeably to the returns made to me this 24th of November, 1824 (Signed.) MATTHEW D. THOMASON, Q.M.G. of state of Ala.

Mr. Wood from the military committee to which was referred the petition of a company of light infantry in Montgomery county, praying to be furnished with arms at the expense of the state, for the use of the said company, reported that said committee have had the same under consideration and beg leave to report that they think it inexpedient to grant the prayer of the petitioners.

(Signed) JOHN WOOD, Chairman

Which report was concurred in.

Mr. Casey from the committee on roads, bridges and ferries, to which was referred the bill entitled, an act to exempt the citizens of the town of Elyton, in Jefferson county, and the town of Sommerville in Morgan county, and the town of Tuscumbia, in Franklin county, from working on roads beyond the limits of said towns, Reported the same without amendment. The bill was then read the third time and passed. Ordered that the secretary acquaint the House therewith.

Mr. Crabb obtained leave to introduce a bill to be entitled an act to amend the attachment of laws of this state, which was read the first time and ordered to be read the second time on tomorrow.

Mr. Bibb obtained leave to introduce a resolution entitled, resolution in relation to the boundary line between the states of Alabama and Georgia ; which was read the first time and ordered to be read the second time on tomorrow.

A bill to be entitled, an act to alter the place of selling lands and negroes by the sheriff of Bibb county in certain cases ; and an act authorising and empowering the school commissioners of the 16th section, fourth township, 7th range. in the district of lands sold at Huntsville, to lease a small part thereof for the purpose of having a mill erected thereon, were severally the second time. Ordered, that said bills be made the order of the day for a third reading on tomorrow.

A bill to be entitled an act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate and for other purposes, was read the second time. Ordered that said bill be laid on the table.

A bill to be entitled an act to repeal in part and amend an act, passed December 17th, 1823, authorising Matthew Harberson, administrator of Samuel Harberson, deceased, to make conveyance of a certain tract of land therein named, was read the second time, and ordered to be read the third time on tomorrow.

Joint Resolution authorising the Comptroller of public accounts to issue his warrant in favor of Edward Herndon for services rendered

as assistant adjutant general was read the 2d time. Ordered that said Resolution together with the accompanying documents, be referred to the military committee.

A bill to be entitled an act appointing agents to select a certain quarter section of land of the county of Shelby, and for other purposes was read the 2d line.

Mr. Wood moved to amend the bill by striking out the names of Peyton, King, Samuel S. Earle, and John N. Lane, who were named in the bill as agents for Jefferson county, and by inserting the names of Robert Eubank, Isaac Brown, and John Smith. Mr. Coats offered the following amendment to said bill &c. And be it further enacted that Dabney M'Gee, Alexander M'Alpin and E. Clements, be, and they are hereby appointed agents for the county of Greene, who shall select a quarter section of land for said county, under the same rules and regulations as prescribed in the act for the government of agents in the county of Shelby ; and said agents for the county of Greene shall have power and authority to draw on the county treasury of said county for such sum or sums of money, as may be necessary to procure said quarter section of land for the benefit of the county aforesaid. Sec. And be it further enacted, that in case of the death or refusal to act of any of the aforesaid commissioners, the judge of the county court shall fill such vacancy, which was adopted. Ordered, that said bill be laid upon the table.

A bill to be entitled an act to amend an act , entitled an act to amend an act, to establish a public road from Ditto's landing to Marston Meads was read the second time and ordered to lie on the table. Joint resolution authorising and requiring the Governor to issue arms to volunteer companies of Infantry therein named, was read the second time Mr. Sullivan moved that the further consideration of said resolution be postponed till the 1st day of February next ; which was carried.

Mr. Crabb called up the bill to be entitled an act for the relief of Joseph Burleson. The bill was then read the third time and passed. Ordered , that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Tuesday, December 7, 1824.

The Senate met pursuant to adjournment.

Mr. M'Vay from the committee on the apportionment, reported a bill to be entitled, an act to apportion the representatives among the several counties of this state, and to divide the state into Senatorial districts according to the late census ; which was read the first time On motion, the rule which requires all bills to be read on three several days, was dispensed with, by a majority of four fifths of the members present, and said bill was read the 2d time forthwith. Mr. Moore moved to amend said bill by striking out all after the enacting clause, and inserting in lieu thereof, the following :

That the Representatives of the several counties in this state shall be apportioned at a ration of twenty hundred and eighty-six white inhabitants to a representative, and shall be apportioned between the several counties in this state in the following manner, to wit, The county of Jackson , four ; the county of Madison, five ; the county of Limestone, four ; the county of Lauderdale, three ; the county of Morgan, two ; the county of Lawrence , three ; Franklin, two ; Marion and that part of Fayette taken from Marion, one ; St. Clair, two ; Shelby, one ; Blount , one ; Jefferson and that part of Walker taken from Jefferson, three ; Tuscaloosa and that part of Walker and Fayette taken from Tuscaloosa, four ; Pickens and that part of Fayette taken from Pickens, one ;

Greene, three ; Marengo, one ; Perry, two ; Dallas, three ; Wilcox, one ; Autauga, two ; Montgomery and that part of Pike taken from Montgomery, three ; Butler, one ; Henry Covington and that part of Pike taken from Henry, two ; Washington , one ; Monroe, two ; Conecuh, two ; Clarke, one ; Baldwin, one ; Mobile, one ; and Bibb, one.

Sec. 2. And be it further enacted, That the counties of Mobile, Washington, and Baldwin, shall form one Senatorial district ; Pike, Covington, and Henry, one ; Butler, and Conecuh, one ; Monroe, and Wilcox, one ; Clarke, and Marengo , one : Greene, one ; Montgomery, one ; Dallas, one ; Bibb and Perry one ; Shelby and Autauga , one ; Blount , and St. Clair, one ; Jefferson, one ; Tuscaloosa, one ; Pickens, Fayette, Walker, and Marion, one ; Morgan, one ; Franklin, one ; Lawrence, one ; Lauderdale, one ; Limestone, one ; Madison, one ; and Jackson, one ; each of which districts shall have one Senator and no more.

Sec. 3. And be it further enacted, That the sheriffs of the counties of Washington, Henry, Conecuh, Monroe, Clarke, Perry, Autauga, St. Clair, and Fayette, shall be the returning officers for their respective districts ; and the sheriffs of other counties of the districts shall make returns to the returning officer within ten days after the Senatorial election, except the sheriffs of the counties of Henry, Covington and Pike who shall be allowed twenty days.

Ordered , that the bill together with amendment lie on the table, and that 200 copies of each be printed for the use of the General Assembly .

A message from the House of Representatives, by Mr. Tunstall

Mr. President : I am instructed by the House of Representatives to inform your honorable body, that they have read three times bills originating in their body of the following titles, to wit : Joint resolution in relation to Major General La Fayette ; An act providing for the extra term of the circuit court of Mobile, and Baldwin counties ; An act to incorporate Minette Bridge Company ; An act concerning roads, highways, bridges and ferries, in the county of Mobile ; An act authorising Armstrong Mitchell, executor, and Elizabeth Averitt, executrix of the last will and testament of Benjamin Averett, to transfer certain real estate ; An act to repeal an act, entitled an act to establish regular justices courts in this state passed the 30th of December, 1823 ; An act to amend an act entitled an act to prevent the frauds and fraudulent combinations in the sale of public lands within this state, passed at Huntsville, on the 17th of December, 1819 ; An act concerning prisons and prisoners ; An act exempting persons of a certain description from taxation ; An act vesting judges of the county courts, and the commissioners of roads and revenue the power of altering any state road that may run through their respective counties ; And an act to provide for compensating the electors for president and vice president of the United States. In all of which they desire the concurrence of your honorable body. They have also read three times and passed a bill which originated in your honorable body to be entitled an act to provide for the extinguishment of the debt due the state of Alabama by the purchasers of lots in the town of Cahawba.

A message from the House of Representatives, by Mr. Dodson, their clerk. Mr. President : The House of Representatives concur in the amendment made by your honorable body to the bill entitled an act for improving the navigation of the port and harbor of Mobile. Mr. President laid before the Senate a copy of a communication addressed by him to James J. Pleasants, Esq., in pursuance of a resolution of the Senate, and Mr. Pleasant's reply thereto, which on motion

of Mr. M'Vay, were ordered to be entered upon the journal of the Senate and are as follows :

Senate Chamber, November 30, 1824.

Sir— By resolution of the Senate passed on yesterday, it is made my duty to communicate to you the manner in which your official services are appreciated by that body.

I assure you, Sir, I never was called to the performance of a more pleasant duty ; that intercourse which necessarily exists between the legislative department and the office from which you have recently retired, and which you have so honorably filled, has afforded the Senate the best possible opportunity of observing the manner in which the arduous duties of it have been discharged. In their behalf permit me to say to you that your official conduct has at all times met their most cordial approbation.

Whilst it affords them much pleasure, that your situation is such as to exempt you from the laborious duties of a most responsible office, they feel sincere regret at the loss of the services of an officer whose exemplary assiduity and fidelity entitle him to the hearty thanks of those in whose services he has been. I trust, sir, that you will not view this as the false glare of transient panegyric, but as the real feelings of the Senate of Alabama, whose best wishes for your future success, health and happiness you carry with you in your retirement and with them permit me to mingle my own. Your most ob't N. DAVIS

P.S. Enclosed you will receive a copy of the resolutions which were unanimously adopted by the Senate. N. D.

J. J. PLEASANTS, ESQ.

CAHAWBA, Dec. 3d, 1824

SIR— I beg leave to tender you, and through you to the honorable body over which you preside, my most heartfelt acknowledgments for the very flattering testimony of their approbation they have been pleased to express of my conduct whilst in the discharge of the duties of the office of Secretary of State.

If in the performance of the duties of the office, I have fulfilled public expectation, and particularly those to whose partiality I am indebted for the appointment, I am most amply compensated. The most acceptable reward to a public servant is the approbation of those who have employed him ; and this testimony of their approbation is felt with peculiar sensibility, when it is known to emanate from a body alike distinguished for their liberality, intelligence and patriotism : and who have been the immediate observers of my official conduct.

Do me the favor Mr. President to present to the Senate my ardent wishes for their prosperity and happiness ; and that they may receive the constant support and confidence of their constituents, of which their conduct is so deserving.

For the flattering terms in which you have communicated the sentiments of the Senate, I beg you to be assured I shall ever entertain the most grateful recollection. I have the honor to be, with great respect,

Your most obt. servt.

JS. J. PLEASANTS

The Hon. NICHOLAS DAVIS, President of the Senate.

Mr. Casey presented the petition of sundry citizens of Dallas county concerning a road which was read and ordered to be referred to the committee on roads, bridges and ferries.

Mr. Conner obtained leave to introduce a bill to be entitled an act to authorise the county treasurer of the county of St. Clair, to pay a certain sum of money therein named, to Arnold Thomason and Austin Hood, which was read the first time, and ordered to be read the 2d time tomorrow.

Mr. Smith obtained leave to introduce a bill to be entitled an act to declare Beaver creek in Wilcox county, a public highway, which was read the first time, and ordered to be read a 2d time tomorrow.

Bills from the House of Representatives of the following titles, to wit : An act to repeal an act entitled an act to establish regular justices courts in this state, passed the 30th of December, 1823 ; An act concerning roads, highways, bridges and ferries, in the county of Mobile ; An act to authorise Armstrong Mitchell, executor, and Elizabeth Averett, executrix of the last will and testament of Benjamin Averett, deceased, to transfer certain real estate ; An act concerning prisons and prisoners ; An act exempting persons of a certain description from taxation ; An act vesting in the judges of the county courts and the commissioners of roads and revenue the power of altering any road that may run through their respective counties : An act to incorporate Minette bridge company. An act providing for an extra term of the circuit courts of Mobile and Baldwin counties ; An act to provide for compensating the electors of president and vice-president of the United States, were severally read the first time, and ordered to be read the 2d time tomorrow.

The following communication in writing was received from the Governor by James I. Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, December 6, 1824.

Gentlemen of the Senate and of the House of Representatives.

To authorise the due payment of the interest that may become payable within the ensuing year, on the stock issued in New York for the loan there obtained an appropriation will be necessary. Whereupon no difficulty is anticipated through the operations of the Bank of the state in placing the funds requisite to meet the regular payment in New York.

The law authorising the issuing of this stock contains no provisions for renewing lost certificates of stock, and for transferring the same on books to be kept for the purpose – such a provision is so obviously necessary and so usual in the case of all public stocks, that the purchasers of this stock relied fully on the justice and faith of the state, taking only an endorsement on the power of attorney given by the commissioners to their agent, expressing the understanding that the requisite provision would be made by law.

Accompanied, I lay before you the extract of a letter from the hon. Wm. R. King, relating to this transaction. It is due to that gentleman, that I acknowledge the commissioners are much indebted for his active and assiduous attention as their agent, in effecting this negotiation. I am with high consideration, &c.

ISRAEL PICKENS.

Ordered , that the communication, together with the accompanying document be referred to the committee on the State Bank.

Resolution from the House of Representatives, entitled resolution in relation to Major general La Fayette, was read the 1st time, and ordered to be read the 2d time tomorrow.

A bill from the House of Representatives , entitled an act to amend an act, entitled an act to prevent the frauds and fraudulent combinations in the sales of public lands within this state, passed at Huntsville

on the 17th December 1819, was read the first time, and ordered to lie on the table.

Mr. Casey from the committee on enrolled bills reported as correctly enrolled, an act to provide for the extinguishment of the debt due to the state of Alabama by the purchasers of lots in the town of Cahawba, which was accordingly signed by Mr. President.

Mr. Crabb called up the bill to be entitled an act to provide for the opening and keeping in repair a certain road therein described. Ordered, that said bill be referred to a select committee, consisting of Messrs. Crabb and Moore to consider and report thereon.

A bill to be entitled an act, to alter the place of selling lands and negroes by the sheriff of Bibb county in certain cases, was read the 3d time. Mr. Powell offered the following amendment to said bill by way of rider. Sec. Be it further enacted, that the sheriff and coroner of Tuskaloosa county, are hereby authorised to make sale of land and negroes at or adjoining the union of Broad and Market-streets in the town of Tuscaloosa, at regular sale days, excepting however, such sale days as may come on at the time of the general elections, or during either term of the circuit court for said county, upon having such sale legally advertised, which was read three several times and adopted. The bill was then passed as amended. Ordered, that the words and Tuscaloosa counties be added to the title of said bill, and that the same be returned to the House of Representatives.

Mr. Shackleford called up the bill, to be entitled an act to appoint agents to select a certain quarter section of land for Shelby county, and for other purposes. The bill was then read the third time as amended and passed. Ordered that the words and for other counties therein named, be added to the title thereof, instead of the words for other purposes, ordered that the Secretary acquaint the house therewith.

A bill to be entitled an act authorising and empowering the school commissioners of the 16th section, 4th township, and 7th range, in the district of lands sold at Huntsville, to lease a small part thereof for the purpose of erecting a mill thereon; and, An act to repeal in part and amend an act passed Dec. 17, 1823, authorising Matthew Harber-son, administrator of Samuel Harber-son, deceased, to make conveyance of a certain tract of land therein named, were severally read the 3d time and passed. Ordered that the secretary acquaint the house therewith.

An engrossed bill to be entitled, an act to repeal in part and amend an act to authorise the judge of the county court of Mobile county, to appoint a public weigher in the city of Mobile, was read the 3d time: Mr. Taggart moved to fill the blank in the bill with the word ten so as to make the compensation of the public weigher ten cents per bale for weighing cotton, which was lost. — Yeas 3— Nays 16

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Murphy, Shackleford & Taggart 3— Those who voted in the negative, are, Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalfe, Moore, McVay, Powell, Smith, Sullivan & Wood— 16.

Mr. Bibb moved to fill the blank with the word five. Mr. Smith moved to fill said blank with the words six-and-one-fourth, so as to make the compensation 6 1/4 cents, which was carried. — Yeas 11, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are,

Mr. President, Devereux, Hopkins, McCamy, Metcalfe, Moore, Murphy, Shackelford, Smith, Taggart, Wood— 11. Those who voted in the negative are, Messrs. Bibb, Casey, Coats, Conner, Crabb, McVay, Powell, Sullivan— 8.

So the blank was filled with 6 1/4 cents. The bill was then passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

Mr. Wood offered the following resolution, Resolved that the committee on schools and colleges and school and college lands be required to enquire into the expediency of explaining, amending and simplifying the law respecting the 16th sections of land appropriated for the use of schools in the several townships in this state, and have leave to report by bill or otherwise, which was adopted.

A bill to be entitled an act to amend the attachment laws of this state was read the 2d time and ordered to be referred to the judiciary committee to consider and report thereon.

Resolution in relation to the boundary line between the states of Alabama and Georgia was read the 2d time : the question was put, shall the Resolution be engrossed for a 3d reading on tomorrow? and determined in the negative.

Mr. Casey offered the following Resolution : Resolved that the judiciary committee be instructed to inquire and report to this House what may be the just and correct construction of the act of Congress, entitled an act granting to the counties or parishes of each state or territory of the United States in which the public lands are situated, the right of pre-emption to one quarter section of land for seats of justice of the same, which was adopted.

A message from the Governor by J. I. Thornton, esq. secretary of state : Mr. President, I am instructed by the Governor to inform you, that he did on the 4th inst. approve and sign, An act to authorise the emancipation of a certain slave therein, which originated in your honorable body.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, Dec. 8, 1824.

The Senate met pursuant to adjournment.

Mr. Wood from the military committee to which was referred the Joint Resolution authorising the Comptroller of public accounts to issue his warrant in favor of Edw. Herndon for services as assistant adjutant general, reported the same without amendment. Ordered that said Resolution be made the order of the day for a 3d reading on tomorrow.

Mr. Hopkins presented the following document:

"The undersigned members of the Senate, who voted against the Resolution authorising Mr. Beck a representative from Wilcox county, to vote in his room, for a Senator to represent this state in the Congress of the United States, wishing to procure for the reasons which dictated their opposition to the Resolution, publicity as extensive as that which their votes will have, avail themselves of their constitutional right to express their dissent from the Resolution.

The Resolution against which they protest, originated in the Senate, and was they conceive, an interference prohibited by the constitution with the case of a member of the House of Representatives and conferred on that member authority to exercise in his own room a right, the exercise of which the constitution requires in the convention of the majority of the representatives of the people. The House of Representatives is vested by the 14th section of the 3d article of the constitution with exclusive power to judge of the qualifications of its own members ; to the operation of this power all

the members of that branch of the Legislature are subjected, when they present them-

selves as representatives, and their qualifications for the seats which they claim are determined by the House, without consulting the opinion of the Senate on any question that may occur as to their right to the Representative character in which they appear. The Senate derive from the same section exclusive jurisdiction of the qualifications of its members. If, after a member of the House has by the judgment of that branch of the Legislature been admitted to his seat, any event happen affecting his representative capacity or power to act on any matter before the Assembly, the question produced by such event is in relation to such member, one of qualification, which that House alone, agreeably to the constitution, must determine. The power to decide whether one of its members has incurred a disability, for a limited time and specific cause to act as a representative, must belong solely to the House, and if any question arose out of the absence of Mr. Beck, it was whether or not he, who had been by the judgment of the House admitted a member, was disabled by absence from voting during his absence. As the House must be acknowledged to possess the exclusive power of preventing any person returned as a member of it, from taking his seat from the want, in the opinion of the House, of the requisite qualifications or expelling a member and of acting in either case without the advice and uncontrolled by the Senate, the undersigned could not perceive the authority by which the Senate declared to the House, and acted jointly with it in determining that an absent member of the House was not disabled from voting in an election which he could not attend, but in which he expressed in his memorial addressed to the Senate, his wish to vote. The undersigned voted against the resolution from this conviction, that, not only the joint judgment of the two branches of the legislature on the qualifications of Mr. Beck to vote in his room, was prohibited by the constitution, but that the authority also given by the resolution to a joint committee from the Senate and House to take the vote of the absent member was unconstitutional.

A member of either branch of the Assembly who votes for a Senator ought to stand in the same relation to his House at the time he votes, which would be required to exist, to entitle him to vote on any other matter that was the subject of deliberation. The 15th section of the 3d article of the constitution of this state requires a majority of each House to constitute a quorum to do business ; from this article which prohibits the formation of the House for any Legislative purpose out of any number less than a majority of the members elected, and appearing at the place of meeting, the undersigned conclude that the Legislative power of the House over the subjects, at any time before it is derived from the members forming it, where any question is determined. When a bare majority of the members assemble, it must be conceded that each member attending the place of meeting, and forming an essential part of the quorum to transact business derives his right to exercise legislative power not from election and the prior recognition by the House of representative character only, but from his own act also of attending the meeting ; and the constitution has made no difference in the mode of exercising the legislative power which it has granted to the representatives of the people such power must be exercised by all upon the same terms ; nor can the majority who by assembling become authorised to legislate or make an appointment of an officer, dispense in favor of members who cannot attend, with any act required by the constitution of them to consummate their legislative capacity . The section of the constitution last referred to, has the case of absent members in its view, and authorises the House to which they belong to compel their attendance, and although the vote of Mr. Beck could have been procured by the use of the power over absent members given to the House by this section as the cause of his absence was not of the kind for which the constitution intended to subject absentees to the operation of the coercive power of the House ; yet the undersigned rely in part upon this section for the correctness of the conclusion to which they came ; from this section it appears that the case of absent members was considered by the convention , and the undersigned believe that such a case as Mr. Beck's would have been the subject of a constitutional provision, if the con-

vention had intended that an absent member should under any circumstances vote. If the vote of Mr. Beck could be received in the election of Senator, it may be also on the passage of any bill or resolution in the House of which he is a member, and were an absent member permitted to vote on a bill, his vote would be the result not of the deliberation required by the spirit of the constitution, and the nature of legislation under the influence of the combined views and intelligence of the representatives of the state but of his own judgment unaided by the information of others ; and although Mr. Beck was informed by the joint committee who wait on him to receive his vote who were in nomination for the office of Senator, yet it is known that an election is not always made between the persons originally nominated. The omission of one or more members to vote may prevent an election, in which event one of the persons originally nominated would sometimes be withdrawn from the contest, or without withdrawing either of those first nominated, persons in addition to them may be nominated, in ei-

ther of which cased the voted of an absent member might be directed against not only the best interests of the county but his own wish.

To adhere to the spirit of that section of the constitution which required that in all elections by the General Assembly the members thereof shall vote viva voce, and the voted of each member must be given in the presence of the House. An act of a member done out of the House ought not to affect any matter confided to the legislative department of the government. The will of a representative can be ascertained only by the House and not by the agents which it may appoint. If a member of the House who had acted as one of a committee raised to investigate a subject referred to them, and assented to a report thereon which was expected by the committee to be matured by the House into a legislative act, could not attend when the House finally acted on the report which could not be adopted without his vote: the knowledge possessed by the House, although conveyed to it by the report itself, of his opinion in relation to the subject, would not authorise the substitution of his opinion for his voted, nor could his vote ascertained and reported by a committee created for the purpose be constitutionally received in such a case.

The House is required by the constitution to keep a journal of its proceedings, on which the votes of the members in an election must be entered, this journal ought to afford the best evidence of the representative acts of every member, and each member ought to possess the means of knowing, independent of the information of any one, that the journal is correct, and of suggesting the correction of it, if it be erroneous, but the journal so far as it respects the vote of Mr. Beck, cannot be subjected to the test of personal knowledge which every member has a constitutional right to apply to it, the evidence of the voted of Mr. Beck is afforded by the report of the committee, and on the authority of that report the vote was entered on the journal of the House, but the correctness of the journal as to this vote depends upon that of the report, and although the undersigned do not doubt the fidelity with which the joint committee, who received the vote of Mr. Beck in his room, performed the duty assigned to them; yet the obligation they feel they owe to the constitution constrains them to protest against a principle which authorises under any circumstances, the will of a representative to be ascertained from hearsay testimony, instead of requiring in all cases the expression of that will in the House where it can be attested by the assembly representatives, who are the only constitutional witnesses of legislative acts.

The sickness of Mr. Beck, with causes his absence from the House was sincerely regretted by the undersigned, as the source both of affection to him and a constitutional objection to voting in the election, and they were restrained by what they felt was their obligation to the constitution, from yielding their assent to the resolution authorising him to vote in his room, to the support of which their liberality, if liberality only had been the question, would have prompted them.

NICHOLAS DAVIS, from Limestone county,
JOHN D. BIBB, from Montgomery and Butler,
ARTHUR F. HOPKINS, from Lawrence,

DAVID MOORE, from Madison,

(Signed) JACK SHACKLEFORD, from Bibb and Shelby,
H. McVAY, from Lauderdale,
J. W. DEVEREUX, from Conecuh.

A message from the House of Representatives by Mr. Tunstall then assistant clerk. Mr. President : I am instructed by the House of Representatives to inform your honorable body that they have read three times and passed bills which originated in your honorable body of the following titles, to wit : Resolution providing for the further distribution of the statute laws of the state of Alabama; An act to authorise judges of the county court, to practice law out the county in which they may reside ; An act for the relief of George A. Glover,

assessor and tax collector of Lawrence county for the year 1823 ; An act to divide the 32d regiment of the militia of this state ; An act for the emancipation of slaves ; George, and Sarah. They have read three times and passed bills which originated in their House of the following titles, to wit: An act to change the mode of appointing assessors and tax collectors ; An act to exempt the citizens of the town of Marion oin Perry county, for working on roads beyond the limits of sad town, and for other purposes : An act to repeal in part an act, to es-

tablish certain counties therein named ; and for other purposes, passed Dec. 17th, 1821, and for other purposes. In all of which they desire the concurrence of your honorable body.

Mr. Hopkins, from the judiciary committee, to which was referred the bill to be entitled an act, to regulate the sale of slaves by constables, Reported the same as amended, which was concurred in. Ordered, that said bill be made the order of the day for a 3d reading on tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act concerning the issuing and executing original process by justices of the peace, reported the same as amended, which was concurred in. Ordered, that said bill be made the order of the day for a 3d reading tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act the better to provide for the punishment of escapes, reported the same, without amendment. Ordered, that said bill be made the order of the day for a 3d reading tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act authorising executors, &c. to relinquish lands under the act of Congress of the 18th May, 1821, Reported the same without amendment. Ordered that said bill be engrossed for a 3d reading tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act to amend the attachment laws of this state, reported the same without amendment. On motion of Mr. Sullivan, ordered that said bill lie on the table.

Mr. M'Vay offered the following resolution, Resolved, that the committee on accounts and claims be required to ascertain the amount of the compensation allowed by law to the assessors for taking the census for the year 1824, in order that an appropriation may be made to cover the whole amount of said compensation, which was rejected.

On motion of Mr. Hopkins, ordered that the judiciary committee be discharged from the further consideration of the bill, to be entitled an act more effectually to guard the public funds of the counties in this state. Ordered, that said bill be laid upon the table.

On motion of Mr. Hopkins. Ordered, that he be excused from serving on the committee appointed on so much of the governor's message, as relates to African slaves.

Mr. Coats obtained leave to introduce a bill to be entitled an act, supplementary to, an act passed No. 16th, 1818, entitled an act for the government of gin holders, and for other purposes, which was read the first time, and ordered to be read the second time tomorrow.

Mr. Smith obtained leave to introduce a bill to be entitled an act to amend an act, entitled an act concerning strays, which was read the 1st time and ordered to be read the 2d time on tomorrow.

Mr. Crabb from the special committee, to which was referred a bill to be entitled an act, to provide for opening and keeping in repair, a certain road therein described, Reported the same as amended, which was concurred in. Ordered, that said bill be engrossed and made the order of the day for a 3d reading on tomorrow.

Mr. Coats called up the bill to be entitled an act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate

and for other purposes. Ordered, that said bill be made the order of the day for a 3d reading on tomorrow.

On motion of Mr. M'Vay, Ordered that Mr. Moore, be added to the committee on the State Bank.

On motion of Mr. Murphy, Ordered, that Mr. Casey be added to said committee. On motion of Mr. Hopkins, Ordered, that he be excused from further service on the committee on the State Bank.

Bills from the House of Representatives of the following titles, to wit ; An act to change the mode of appointing assessors and tax collectors ; An act to exempt the citizens of the town of Marion in Perry county from working on roads beyond the limits of said town, and for other purposes, and an act to repeal in part an act entitled an act to establish certain counties therein named, and for other purposes, passed 17th Dec. 1821, and for other purposes ; were severally read the 1st time, and ordered to be read the 2d time on tomorrow.

A bill to be entitled an act to authorise Armstrong Mitchell, executor, and Elizabeth Averett, executrix of the last will and testament of Benjamin Averett, deceased, to transfer certain real estate, was read the second time, and ordered to be referred to the committee on the judiciary to consider and report thereon.

A message from the Governor by J. I. Thornton, esq. secretary of state: Mr. President, the Governor did on this day approve and sign an act to provide for the extinguishment of the debt due to the state of Alabama, by the purchasers of lots in the town of Cahawba ; which originated in this honorable body.

A bill to be entitled an act concerning prisons and prisoners, was read the 2d time ; and ordered to be referred to the committee in the judiciary to consider and report thereon.

A bill to be entitled an act to exempt persons of a certain description from taxation , was read the 2d time, and ordered to lie on the table.

A bill to be entitled an act vesting in the judges of the county courts and commissioners of revenue and roads the power of altering any state road that may run through their respective counties ; was read the 2d time, and ordered to be referred to the committee on roads, bridges, and ferries to consider and report thereon.

A bill to be entitled an act to incorporate the Minette bridge company; was read the 2d time, and ordered to lie on the table.

Bills to be entitled an act providing for an extra term of the circuit court of Mobile and Baldwin counties ; an act to provide for compensating the electors for president and vice president of the United States ; and an act to repeal an act entitled an act to establish regular justices courts in this state, passed Dec. 30, 1823 ; were severally read the 2d time. Ordered, that said bills be made the order of the day for a 3d reading on tomorrow.

Joint resolution in relation to Major General La Fayette, was read the second time. The rule requiring all joint resolutions to be read on three several days was, on motion, dispensed with, and said resolution was read a third time forthwith and passed, without a dissenting voice. Ordered that the secretary acquaint the House therewith.

A bill to be entitled an act to declare Beaver creek in Wilcox county a public highway, was read the second time, and ordered to be engrossed for a third reading on tomorrow.

A bill to be entitled, an act to authorise the county treasurer of the county of St. Clair to pay a certain sum of money therein named to Arnold Thomason and Austin Hood, was read the second time and ordered to be engrossed for a third reading on tomorrow.

Mr. Murphy, from the committee of the State Bank made the following Report, The committee on the state bank, to whom was referred so much of the Governor's message (No. 1) as relates to that subject, very respectfully report, that this communication of his excellency chiefly regards the measure which have been taken by those entrusted with carrying into effect the provision of the act to establish the Bank of the state of Alabama, and the success which has attended their efforts. Much public commendation is due to the Executive, the President and Directors of the Bank, and the commissioners appointed to effect a loan for the use of the state, for the promptitude, energy, and good discretion exercised in the discharge of the important duties assigned them— these duties have nor proved less honorable to them as being faithfully discharged than we trust they will prove beneficial to the state, for the promotion of whose interests they have been required of them. It may not be amiss in this report, to give an abridged recapitulation of the affairs of the Bank. Of the university fund authorised by law to be vested as capital, there remains in the treasury \$39,667, 31 1/4 – the three per cent. fund as by the last settlement at the treasury of the United States, \$31,703 01, and the unexpended proceeds of the Cahawba lots, 37, 835 49 1/4; amounting in the whole to \$109, 215 81 3/4 cents. The loan of \$100,000 has been obtained in specie, issuing state stock therefor at par, bearing an interest of six per cent per annum, payable half yearly, and the principal to be pad at the expiration of ten years. these sums form the present capital of the bank, amounting to something less than \$209, 000, as some expenses have been incurred, and chargeable on the capital in hand. The books, papers, &c. have been procured, by the president of the bank having attended to that duty in person. I this report the committee do not deem it necessary to bring any particular measure to the view of the House. This may be done under other communication which more directly require it. so far as we have advanced, every thing seems as favorable as could have been expected to the successful progress of our state institution ; and we have much reason to hope that under the influence of an enlightened and liberal management the great objects contemplated by it will be finally and fully accomplished. Which was concurred in.

Mr. Metcalf offered the following resolution: Whereas, at the two sessions of the General Assembly preceding the present session, much business of importance to the interest of this state, was presented for the consideration of the members thereof, which necessarily protracted those sessions for a considerable length ; and whereas no such variety of subjects of importance have been or are likely to be brought before the General Assembly at their preset session ; and whereas, therefore, the people of this state have a right to expect the early return of their respective representatives and thereby save to the state the unavoidable accumulation of the expenses necessarily consequent upon lengthy sessions ; therefore be it Resolved by the Senate, that no new matter shall be introduced into this body after Saturday next, unless

it shall be such as may be presented by any of the committees belonging to the same ; and that, with the consent of the House of Representatives, the General Assembly of the state of Alabama will adjourn sine die on Saturday the 18th instant ; which was adopted.

And then the Senate adjourned till tomorrow at 10 o'clock.

Thursday, December 9, 1824.

The Senate met pursuant to adjournment.

Mr. Murphy presented the petition of sundry inhabitants of Green and Marengo counties praying that an appropriation may be made for building a bridge over the Big Prairie creek on the state road ; which was read and ordered to be referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr. Casey presented the petition of sundry citizens of Dallas county, praying an alteration of an election precincts in said county, which was ordered to lie on the table.

Mr. Hopkins from the judiciary committee, Reported in pursuance of an order of the Senate, a bill to be entitled an act to give to the people of the state the election of tax-collectors, which was read the 1st time. Ordered that said bill be made the order of the day for a 2d reading on tomorrow.

Mr. Murphy from the committee on the state Bank, to which was referred the Governor's message on that subject, Reported a bill to be entitled an act to provide for the payment of interest on the loan obtained for the use of the state, which was read the 1st time. Ordered that said bill be made the order of the day for a 2d reading tomorrow.

On motion of Mr. Powell, Ordered that Mr. McVay be added to the committee on accounts and claims.

Mr. Powell obtained leave to introduce a bill to be entitled an act to amend an act entitled an act to establish regular justices' courts in this state, passed Dec. 30, 1823, which was read the 1st time, and ordered to be read the 2d time tomorrow.

Mr. McVay offered the following Resolution : Whereas the 23d section of the 3d article of the constitution provides that bills for raising revenue shall originate in the House of Representatives ; and whereas the Senate believe it not only practicable but sound policy at this time to reduce the taxes of this state, Therefore be it Resolved that it is the wish of the Senate, that the House of Representatives would, in the course of the present session, originate and pass a bill, having for its object a reduction of the state tax, in order that the Senate may have an opportunity of acting on the same, and that the House of Representatives be informed of this Resolution, which was adopted.

Mr. Moore offered the following Resolution ; Resolved that the comptroller of public accounts cause to laid before this House a consolidated return of the respective objects of taxation embraced in the revenue bill for the present year, together with a return of the amount derived from each object in the several counties in this state, which was adopted.

Mr. Conner called up the bill to be entitled an act, to amend an act entitled an at to amend an act to establish a public road from Ditto's landing to Marston Meads. Ordered, that said bill be referred to a special committee, consisting of Messrs. Crabb, Moore, and Shackelford, to consider and report thereon. Mr. Moore from the committee

on enrolled bills, reported as correctly enrolled, an act to establish a certain county therein named, and for other purposes ; which was accordingly signed by Mr. President.

Bills from the house of Representatives of the following titles, to wit: An act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate; and for other purposes ; Joint resolution authorising the comptroller of public accounts to issue his warrant in favor of Edward Herndon, for services as assistant adjutant general; An act the better to provide for the punishment of escapes ; An act concerning the issuing and executing original process by justices of the peace ; An act providing for an extra term of the circuit court of Mobile and Baldwin counties ; and An act to provide for compensating the electors for president and vice-president of the United States, were severally read the third time and passed. Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act to change the mode of appointing assessors and tax collectors; was read the 2d time, and ordered to lie on the table.

A bill to be entitled an act to exempt the citizens of the town of Marion in Perry county for working on roads beyond the limits of said town ; was read the 2d time, amended and ordered to be read a 3d time on tomorrow.

Mr. Moore moved that the bill to be entitled an act to apportion the representatives among the several counties of this state, and to divide the state into senatorial districts according to the late censuses, be now taken up, which was carried. Ordered, that said bill be committed to a committee of the whole House and made the order of the day for tomorrow.

A bill to be entitled an act to regulate the sale of slaves by constables; was read the 3d time and amended by way of rider and passed. Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act to repeal in part an act to establish certain counties therein named, and for other purposes, was read the 2d time. Mr. M'Camy offered the following amendment to said bill.

Sec. And be it further enacted, That the county treasurer of said county of Decatur hereby abolished, shall pay over all moneys in his hands belonging to said county, to the county treasurer of Jackson county, and transfer all papers relative to the office of treasurer in Decatur county to the treasury of the county of Jackson. Sec. And be it further enacted, That all election precincts in said county of Decatur abolished by this act, shall be and remain election precincts for the county of Jackson, and an additional election precinct is hereby established at the house of Jesse Williams on Paint Rock river. Sec. Be it further enacted, That all claims against the county treasury of Decatur county shall be valid and paid out of the county treasury of Jackson county, under the same rules and regulations as other claims of Jackson county, against the county treasury, which was adopted. Ordered, that said bill be made the order of the day for a 3d reading tomorrow.

An engrossed bill to be entitled an act to declare Beaver Creek in Wilcox county a public highway, was read the 3d time ; Mr. Coats offered the following amendment to said bill by way of rider, 'Provid-

ed that nothing in this act shall be son construed as to prevent any person from building mills or other waters-works on said creek, who may own land, or may hereafter own land on the creek aforesaid, which was read three several times and adopted. The bill was then passed. Ordered that the title be as aforesaid, and that it be sent to the House of Representatives for concurrence.

Engrossed bills of the following titles, to wit : an act to authorise the county treasurer of St. Clair county to pay a certain sum of money therein named to Arnold Thomason and Austin Hood ; An act to provide for the opening and keeping in repair a certain road therein described ; and An act to authorise executors, &c. to relinquish lands under the act of Congress of the 18th May, 1824, were severally read the 3d time and passed. Ordered, that the titles of said bill be as aforesaid, and that the same be sent to the House of Representatives for their concurrence.

A bill to be entitled an act supplementary to an act, passed Nov. 18th, 1818, entitled an act for the government of gin holders, and for other purposes ; was read the 2d time, and ordered to lie on the table.

A bill to be entitled an at to amend an act entitled an act concerning strays ; was read the 2d time, and ordered to be engrossed for a third reading on tomorrow.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, December 10, 1824.

The Senate met pursuant to adjournment.

Mr. Taggert presented the petition of Edwin Lewis concerning a turnpike road ; which was read and ordered to be referred to a special committee, consisting of Messrs. Taggert, Devereux and Casey, to consider and report thereon.

Mr. Casey from the committee on roads, bridges, and ferries, to which was referred a bill to be entitled an act concerning roads, highways bridges, and ferries, in the county of Mobile, reported the same without amendment. Ordered, that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Casey from the same committee, to which was referred a bill to be entitled an act vesting in the judges of the county courts, and commissioners of roads and revenue, the power of altering any state road that may run through their respective counties, reported that it is inexpedient to pass the bill ; which was concurred in.

Mr. Casey from the same committee, to which was referred a bill to be entitled an act to provide for the raising of a fund for the support of an academy and a Hospital in Baldwin county, reported that it is inexpedient to pass the bill. Ordered, that the report together with the bill lie on the table. Mr. Casey from the same committee to which was referred the petition of sundry inhabitants of Marengo county, praying an alteration in the state road, reported, that it is inexpedient to grant the prayer of the petitioners ; which was concurred in.

Mr. Coats from the same committee, to which was referred the petition of sundry inhabitants of Dallas county concerning a road, reported that it is inexpedient to grant the prayer of the petitioners. On motion of Mr. Casey, Ordered, that the report lie on the table. Mr. Hopkins from the judiciary committee to which was referred a bill to be entitled an act concerning prisons and prisoners, reported, that same

without amendment. Ordered, that the bill be made the order of the day for a 23d reading on tomorrow.

Mr. Crabb moved to take up the bill to be entitled an act to amend the attachment laws of this state, which was lost.

A bill to be entitled an act to repeal an act entitled an act to establish regular justices courts in this state, passed 30th Dec. 1823, was read the 3d time.

Mr. Powell offered the following amendment to the bill by way of rider, Provided that all business commenced under the provisions of that act shall go on to a final decision in the same manner as if this act had not passed; which was read three several time and adopted.

The question was then put, shall the bill pass? and determined in the affirmative. Yeas 12, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Bibb, Coats, Conner, Crabb, Hopkins, McCamy, Metcalf, Moore, McVay, Murphy, Taggart— 12. Those who voted in the negative, are, Messrs. Casey, Devereux, Powell, Shackelford, Smith, Sullivan, Wood— 7.

So the bill was passed. Ordered that the secretary acquaint the House therewith.

On motion of Mr. Wood, the bill to be entitled an act to retrench the expenses of this state, and for other purposes, was taken up: Mr. Wood offered the following amendment to the bill, Sec. Be it further provided that when it appears that due diligence has been used by an attorney for the collection of money, and the money cannot be made out of the defendant, in all such cases the prosecuting attorney shall be entitled to the same fees from the plaintiff, as otherwise would have been recovered from the defendant, which was adopted— Yeas 11— Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Casey, Conner, Devereux, M'Camy, Metcalf, Moore, Murphy, M'Cay, Powell, Smith, Wood—11. Those who voted in the negative, are, Mr. President, Bibb, Coats, Crabb, Hopkins, Shackelford, Sullivan, Taggart, 8.

So the amendment was adopted. Mr. McCamy moved to amend the bill by striking out all after the enacting clause, and inserting the following: That it shall be the duty of the judges of the several courts of justice in this state, to hear and determine all causes to them returned for trial, founded on any note or notes, bond or bonds, or accounts, or any manner of debt whatsoever kind or nature that may be agreeably to the true intent and meaning of the said note or notes, bond or bonds, or accounts or debts, as the case may be, without any counsel, or declaration being filed thereto, but shall enter on the merit of the case as it may appear before them: nor shall it be required of any plaintiff or plaintiffs to employ any counsel or file any declaration to any manner of debt he may sue for ; provided however, that nothing in this act shall be so construed as to prevent any plaintiff or plaintiffs from employing counsel and filing declarations as is now provided for by law, if they may see cause to do so, any law, usage or custom to the contrary, be, and the same is hereby repealed, which was rejected— Yeas 4— Nays 15.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs, McCamy, Metcalf, Sullivan, Taggart— 4.

Those who voted in the negative, are, Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, Moore, Murphy, McCamy, Powell, Shackelford, Smith, Wood— 15. So the amendment was negative.

Mr. Crabb moved that the further consideration of the bill be postponed till the first day of the next session of the legislature, which was carried— Yeas 12— Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Coats, Crabb, Hopkins, Moore, Murphy, Powell, Shackelford, Smith, Sullivan, Taggart— 12. Those who voted in the negative, are Messrs. Casey, Conner, Devereux, M'Camy, Metcalf, M'Vay, Wood— 7.

So the further consideration of the bill was postponed till the first day of the next session.

Mr. Taggart obtained leave to introduce a bill, to be entitled an act amendatory to the several laws now in force for the relief of insolvent debtors, which was read the first time, and ordered to be read the 2d time on Monday next.

Mr. Smith obtained leave to introduce a bill to be entitled an act to bring delinquents in Clarke county to an account, and for other purposes, which was read the 1st time, and ordered to be read the 2d time on tomorrow.

On motion of Mr. Coats, the bill to be entitled, an act exemption persons of a certain description from taxation, was taken up. Mr. Coats offered the following amendment : "Sec. And be it further enacted, that all free white persons who may be rendered permanently by nature, disease or accident, unable to perform ordinary labor shall be exempt from paying a poll tax ;" which was adopted. Ordered that the bill be made the order of the day for a third reading on tomorrow.

A message from the House of Representatives by Mr. Tunstall, Mr. President, I am instructed by the House of Representatives to inform your honorable body that they have elected Thomas Murray, clerk of the House of Representatives to supply the vacancy occasioned by the resignation of Nathaniel Dodson. They have read a 3d time and passed a bill originating in their House, entitled an act to repeal in part an act regulating the fees of justices, constables and lawyers ; and to ascertain the fees that said officers are hereafter to receive, in which they desire your concurrence. The above last mentioned bill was read the first time, and ordered to be read the second time tomorrow.

The Senate according to order resolved itself into committee of the whole on the bill to be entitled an act to apportion the representation among the several counties of this state, and to divide the state into senatorial districts, according to the late census, Mr. Powell in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Powell reported the same as amended ; which was concurred in.

Mr. Murphy offered the following amendment to the bill.

Sec. And be it further enacted, That it shall be lawful for the assessor of taxes for Mobile county to take the returns of all heads of families and others who were actually residents of, but absent from said county at the time prescribed by law for taking the census, and make report thereof to the office of secretary of state, on or before the first day of May next ; and if it shall appear by the return of the said assessor that the number of white inhabitants, actually residents of said county at the time the census was required by law to be taken and returned, with the fraction from Clark be equal to the ratio hereby established, the county of the said counties having the largest residuum, shall be entitled to an additional representative, and the Governor shall thereupon issue his proclamation declaring the fact, and a writ of election shall issue requiring an election to be held for such additional representatives, in the said county having the largest residuum as aforesaid, and the said additional representative when elected and returned shall

be a member of the House of Representatives for the said county, and the said county shall be entitled to an additional representative until the next apportionment, which was adopted.

Mr. Powell offered the following amendment to the bill.

Sec. Be it further enacted, That it shall be the duty of the assessor of Mobile county in taking all such returns, in addition to the oath now required, also to administer an oath to all persons thus taken that they actually resided and had settled in the county of Mobile, prior to the day of November, 1824, and that they had not been enumerated in any other county of this state, which was adopted.

Mr. Shackleford moved to amend the bill by striking out the words and Autauga, and insert the words and Bibb, so as to make Shelby and Bibb form one senatorial district, which was lost. Yeas 2, nays 16.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Conner and Shackleford- 2.

Those who voted in the negative, are Messrs. President, Bibb, Casey, Coats, Devereux, Hopkins, M'Camy, Metcalfe, Moore, Murphy, M'Vay, Powell, Smith, Sullivan, Taggart, Wood- 16.

Ordered, that the bill be engrossed and made the order of the day for a 3d reading on tomorrow.

A bill to be entitled an act to exempt the citizens of the town of Marion in Perry county from working on roads beyond the limits of said town, and for other purposes ; and An act to repeal in part an act entitled an act to establish certain counties therein named, and for other purposes, passed Dec. 17, 1821, and for other purposes, were severally read the 3d time and passed. Ordered, the secretary acquaint the House therewith.

An engrossed bill to be entitled an act to amend an act, entitled an act concerning strays ; was read the 3d time and passed. Ordered, that the title of the bill be as aforesaid, and that the same be sent to the house of representatives for concurrence. Ordered that the bill to be entitled an act, to amend an act entitled an act to establish regular justices courts in this state, passed Dec. 30, 1823, be laid upon the table.

A bill to be entitled an act to provide for the payment of interest on the loan obtained for the use of the state, was read the 2d time, and ordered to be engrossed for a 3d reading on tomorrow. On motion of Mr. Moore, ordered that Mr. Bibb be added to the committee on enrolled bill.

A bill to be entitled an at to give the people of this state the election of assessors and tax collectors ; was read the 2d time, and ordered to be referred to a select committee, consisting of Messrs. Casey, Coats, and Taggart, to consider and report thereon.

Mr. Sullivan offered the following resolution : Resolved, that the Senate with the concurrence of the House of Representatives, will convene in the representative hall on tomorrow evening at 3 o'clock, for the purpose of electing a comptroller of public accounts, and a state treasurer for the ensuing year, which was adopted.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, December 11, 1824.

The Senate met pursuant to adjournment.

Mr. Casey from the committee on roads, bridges, and ferries, to which was referred a bill to be entitled an act to amend the several acts in relation to roads, bridges, and ferries, reported the same without

amendment. Ordered, that the same be made the order of the day for a third reading on Monday next.

Mr. Casey from the same committee, to which was referred the petition of sundry inhabitants of green, and Marengo counties, praying an appropriation for building a bridge over Big Prairie Creek on the state road, reported, that it is inexpedient to grant the prayer of the petitioner. On motion, Ordered, that the report together with the petition lie on the table till the next session.

Mr. Casey from the committee, to which was referred a bill to be entitled an act to give to the people of this state the election of assessors and tax collectors, Reported the same as amended ; which was concurred in. Mr. Moore moved that the bill lie on the table. Mr. Coats moved to amend the motion by adding the words, the first day of the next session, which was determined in the negative. Yeas 5, Nays 14.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Coats, Hopkins, M'Camy, Powell,—5.

Those who voted in the negative, are, Messrs. Bibb, Casey, Conner, Crabb, Deverux, Metcalf, Moore, Murphy, McVay, Shackelford, Smith, Sullivan, Taggert, Wood, 14.

On motion of Mr. Moore, Ordered, that said bill lie on the table for the present. Mr. Casey from the select committee, to which was referred a bill, to be entitled an act to amend an act to regulate the licensing physicians ; and for other purposes therein named, passed Dec. 23, 1823, reported, that it is inexpedient to pass the bill, which was concurred in.

A message from the House of Representatives by Mr. Tunstall: Mr. President, the House of Representatives have read three times and passed a bill which originated in your honorable body, entitled an act, amendatory to an act concerning divorce, passed Dec. 21, 1820, and have amended the same by striking out all of the 7th section after the word aggrieved, which occurs in the 4th line, and relates to divorce from bed and board, and inserting in lieu thereof the following, by the same proceeding in the circuit court of the county in which the complainant may reside, as are, or may be required by law to be had on bills praying divorce from the banks of matrimony, and that the decree of such circuit court shall be final in which amendment they desire your concurrence. Mr. M'Vay, moved that the Senate disagree to said amendment, which was lost. Mr. Bibb moved that the Senate concur in said amendment ; which was carried. Yeas 14, Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. President, Bibb, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Moore, Powell, Shackelford, Sullivan, and Wood— 14.

Those who voted in the negative are, Messrs. Casey, Murphy, M'Vay, Smith, Taggert— 5. So the amendment was concurred in.

Ordered, that the secretary acquaint the House therewith.

Mr. Hopkins obtained leave to introduce a bill to be entitled an act to authorise the resident judge of the 3d judicial circuit to hold an intermediate court in Blount county, for the purpose therein mentioned; which was read the first time, and ordered to be read the 2d time on Monday next.

Mr. Smith offered the following resolution : Resolved, that the judi-

ciary committee be instructed to inquire into the expediency of adopting some mode by which contested elections for Governor shall be decided, and report by bill or otherwise ; which was adopted.

Mr. Smith obtained leave to introduce a bill to be entitled, an act giving further time in which executions shall be made returnable, when issued by justices of the peace from one county to another ; which was read the 1st time and ordered to be read the 2d time on Monday next.

Mr. Crabb from the special committee, to which was referred a bill to be entitled an act to amend an act, entitled an act, to establish a public road from Ditto's Landing, to Marston Mead's in Blount county, reported the same as amended, which was concurred in. Ordered, that the bill be engrossed and made the order of the day for a 3d reading on Monday next.

Mr. Smith offered the following resolution: Resolved, that the judiciary committee be instructed to inquire into the expediency of so amending the laws now in force respecting garnishees and attachments, so that no garnishment or attachment shall be quashed in any court on account of any informality, when the intent and meaning is plainly shewn, and that the plaintiff in the case be authorised in court time to correct any previous error that may exist, by making it appear to the satisfaction of the court that such error was not done with an intent of fraud, and to report by bill or otherwise ; which was adopted.

Mr. Taggart called up the bill to be entitled, an act to provide for the raising of a fund for the support of an academy and hospital in Baldwin county, and the report made thereon by the committee on roads, bridges and ferries. On motion of Mr. Taggart, Ordered that the Senate disagree said report.

Mr. Moore offered the following amendment to the bill: Provided, that no landing shall be established on the land of any private individual without his consent, or on the lands of the U. States, without their consent first being obtained ; which was adopted. Ordered that the bill be referred to a special committee, consisting of Messrs. Murphy and Taggart, to consider and report thereon.

Mr. Powell called up the bill to be entitled, an act to amend an act entitled an act to prevent the frauds and fraudulent combinations in the sales of public lands within this state, passed at Huntsville on the 17th December 1819. The bill was read the 2d time and ordered to be made the order of the day for a third reading on Monday next.

On motion of Mr. Casey, the petition of Messrs. Gary & Norris in relation to the public ferry at Cahawba was taken up and referred to a special committee, consisting of Messrs. Sullivan, Coats and Murphy, to consider and report thereon.

Mr. Smith obtained leave to introduce a bill to be entitled, an act to alter the times of holding courts in the first judicial circuit, which was read the 1st time, and ordered to be read the 2d time on Monday next.

Mr. Metcalfe introduced a bill securing to the people the mode of voting in the most acceptable manner to themselves, which was read the first time and ordered to be read the 2d time on Monday next.

A bill to be entitled, an act exempting persons of a certain description from taxation., was read the 3d time and referred to a special committee, consisting of Messrs. Shackleford and Moore, to consider and report thereon.

A message from the House of Representatives by Mr. Tunstall—
Mr. President, the house of representatives concur in the resolution of your honorable body, proposing to go into the election of a Comptroller of Public Accounts, and State Treasurer, for the ensuing year, this evening at 3 o'clock.

A bill to be entitled, an act concerning prisons and prisoners ; and an act concerning roads, highways, and ferries in the county of Mobile ; were severally read the 3d time and passed. Ordered that the secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act to repeal in part an act regulating the fees of justices, constables and lawyers, and to ascertain the fees that said officers are hereafter to receive, was read the second time.

Mr. Wood offered the following amendment to the bill: "Sec. And be it further enacted, that counsellors and attornies at law, shall be entitled to receive none other than the following fees to wit : for prosecuting or defending a suit in the county courts two dollars ; for like services in the circuit court, three dollars; for prosecuting or defending a suit in chancery, ten dollars ; for prosecuting or defending a mixed or real action, where the title or bounds of lands are in question, fifteen dollars. Sec. Be it further enacted, that if any counsellor or attorney at law, shall directly or indirectly charge or receive a larger fee than is allowed in the foregoing section, he shall be liable to be prosecuted for extortion in any court of record in this state, and being convicted thereof shall not be allowed thereafter to practice law in this state, any law to the contrary notwithstanding."

On motion of Mr. Casey, Ordered, that the bill, together with the amendment lie on the table till Monday next.

An engrossed bill to be entitled, an act to provide for the payment of interest on the loan obtained for the use of the state, was read the 3d time and passed. Yeas 15, Nays 4.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Coats, Conner, Devereux, McCamy, Metcalfe, Moore, Murphy, Powell, Shackelford, Smith Sullivan, Taggart, Wood— 15.

Those who voted in the negative are,
Mr. President, Crabb, Hopkins, McVay— 4. So the bill was passed.

Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to apportion the representatives among the several counties in this state, and to divorce the state into senatorial districts according to the late census, was read the 3d time. Mr. Murphy offered the following amendment to the bill by way of rider : "And be it further enacted, that all that part of Monroe county comprehended within the following limits, viz, beginning where range line between one and two east of the basis meridian intersect the township line between five and six ; thence south until the said range line first strikes the Tombeckbe river, below the mouth of Bassett' creek ; thence up the said river to said township line between five and six as aforesaid ; thence east along the said township line to the beginning, shall be added to and hereafter compose a part of Clarke county, so as to make the counties of Clarke and Mobile adjoin on the Tombeckbe river ;" which was read three several times and adopted. The question was then put, shall the bill pass? and decided in the af-

firmative. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

A bill to be entitled an act to bring delinquent officers in Clarke county to an account, was read the second time. Mr. Smith offered the following amendment to the bill. "Sec. 4. And be it further enacted, that the aforesaid commissioners shall receive such compensation for their services as the judge of the county court and the commissioners of roads and revenue shall consider reasonable and just;" which was adopted. Ordered, that the bill be referred to a special committee, consisting of Messrs. Murphy, Smith and Powell, to consider and report thereon.

Mr. Wood availed himself of this constitutional right to spread his reasons on the journal for voting against the indefinite postponement of a bill to entitled an act to retrench the expenses of the state, and for other purposes, which are in the following words:

John Wood, a Senator from Jefferson county offers the following reasons to his constituents for voting against the indefinite postponement of bill to retrench the expenses of this state, and for other purposes. I believe that a general retrenchment is necessary, beginning at the highest grade of officers. I brought a bill before the Senate at an early period of this session ; the object of which was to effect the purposes above mentioned, which bill was rejected in the Senate. I then determined to effect a partial reduction of the expenditure of the state, by the bill above mentioned, requiring that the officers of both branches of the legislature hereafter to be elected, should be curtailed in the sums allowed for their services, which I thought unnecessarily high, and I hoped that the passage of such a bill would be a prelude to a general reduction of the expenditures at no distant day. I do not deny that by allowing a fair compensation to men for their services, we may be enable to invite men of the best talents to fill the several offices, but I contend when this high minded policy is adopted without respect to our want of the proper resources to effect its object it is both impolitic and unjust. Expenditures ought to be squared to the circumstances of those that are compelled to feel their effects. That the people are oppressed already by heavy taxes nobody will deny, from the seat to the mountains. A part of the bill forbids attorneys at law from taking fees from plaintiffs for collecting money on bonds, notes or liquidated accounts ; with this amendment where due diligence had been used by an attorney and the money could not be made out of the defendant, that the plaintiff should be made liable for the cost. I believe that defendants ought to pay all reasonable cost on suits, occasioned by their own neglect or want of punctuality, to subject the plaintiffs to such per centage as the members of the bar may agree upon, will subject them to the mercy of the bar. I am not opposed to a reasonable compensation being allowed to counsellors and attorneys at law, provided it is drawn from many proper source ; but the present plan of taxing plaintiffs (although sanctioned by long usage) is contrary to law and every principal of common right in my opinion. (Signed) JOHN WOOD.

And then the Senate adjourned till 3 o'clock this evening.

Evening Session, 3 o'clock.

Mr. Wood offered the following Resolution : Resolved that the judiciary committee be instructed to inquire into the expediency of reporting a bill more effectually to enable merchants, mechanics and shopkeepers to prove their accounts, which was adopted.

A message from the Houses of Representatives, by Mr. Tunstall, Mr. President : the House of Representatives have adopted the following Resolution : Resolved that the Senate be informed, that this House is now ready to go into the election of a Comptroller of public

accounts and state Treasurer, and that the west end of the hall be set apart for their reception : whereupon the members of the Senate repaired to the shall of the House of Representatives, and after having taken the seats assigned them, Mr. President arose and announced the object of the meeting, when the two houses proceeded to the election of a Comptroller of public accounts ; Samuel Pickens, alone, being in nomination— Those who voted for Mr. Pickens, are

Mr. President	Shackleford	Cunningham	Martin	Peyton
Bibb	Smith	Dale	M'Vay	Pickens of D.
Casey	Sullivan	Dickinson	M'Cord	Pickett
Coats	Taggart	Dinsmore	Mead	Rather
Conner	Wood	Edmondson	Merriwether	Shotwell
Crabb	Mr. Speaker	Exum	Metcalf	Skinner
Devereux	Abercrombie	Farrar	Miller	Tapscot
Hopkins	Barton	Fleming	Moore of J.	Tindall
McCamy	Baylor	Fluker	Moore of Ma.	Vining
Metcalfe	Baxter	Gaines	Moore of Mo.	Watson
Moore	Byler	Greene	Morton	Worthington
Murphy	Camp	Cook Hill	Jones Oliver	Weissinger
McVay	Coleman	Lanier	Parham	White— 71.
Powell	Crenshaw	Mardis	Perkins	

The Speaker declared Mr. Pickens duly elected Comptroller of public accounts for one year.

The two Houses then proceeded to the election of state Treasurer, John C. Perry alone being in nomination, the same members who voted for Mr. Pickens as Comptroller, voting for Mr. Perry— The Speaker thereupon declared Mr. Perry duly elected state Treasurer for one year. The election having ben completed, the Senate withdrew and returned to their own chancery, and Mr. President resumed the chair.

And then the Senate adjourned till Monday morning 10 o'clock.

Monday, December 13th, 1824.

The Senate met pursuant to adjournment.

Mr. Hopkins from the judiciary committee to which was referred a bill to be entitled an act authorise Armstrong Mitchell executor and Elizabeth Averett, executrix, of Benjamin Averett deceased, to transfer certain real estate, reported the same without amendment. Ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Hopkins from the same committee to whom was referred a bill to be entitled an act to give justices jurisdiction of breaches of the peace and affrays, Reported that it is inexpedient to pass the bill.

Mr. wood moved that the Senate disagreed to the report, which was lost— Yeas 7— Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Conner, Devereux, M'Camy, Metcalf, M'Vay, Smith, wood— 7.

Those who voted in the negative, are Messrs. President, Bibb, Casey, Coats, Crabb, Hopkins, Moore, Murphy, Powell, Shackleford, Sullivan— 11.

On motion ordered, that the Senate concur in the said report.

On motion of Mr. Casey a bill to be entitled an act to give Decatur county an additional election precinct, was taken up ; Mr. Casey offered the following amendment to the bill, And be it further enacted, that the election precinct heretofore established at the house of Daniel Hardy in Dallas county, be and the same is hereby discontinued, and one established at the house of Wm. Day in said county.

Mr. Devereux moved to amend the amendment by adding the following , and that a precinct heretofore established at Fort Crawford be

discontinued, and that a precinct be established at Cotton's bluff, in Con-ecuh county, which was adopted. The question was then put on the adoption of the amendment offered by Mr. Casey and carried.

Mr. McCamy moved to amend the bill by striking out all the first section after the enacting clause, which was carried. Ordered that the bill be again laid upon the table.

Mr. Smith called up the bill, (from the House of Representatives) entitled an act to change the mode of appointing assessors and tax-collectors. Mr. Bibb moved that the further consideration of the bill be postponed till the first day of June next, which was lost. Yeas 8, Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Bibb, Casey, Hopkins, Moore, Murphy, Sullivan, Wood— 8.

Those who voted in the negative, are Messrs. Coats, Conner, Crabb, Devereaux, M'Camy, Metcalf, M'Vay, Smith— 8. So the motion to postpone was lost.

Ordered that the bill be again laid on the table.

Mr. Hopkins from the judiciary committee to which was referred a Resolution instructing them to inquire into the expediency of amending the laws now in force respecting garnishees and attachments, so that no garnishment or attachment shall be quashed in court on account of any informality, when the intent and meaning is fully shewn, and that the plaintiff in the case be authorised in term time to correct any previous error that may exist, by making it appear to the satisfaction of the court, that such error was not committed with a fraudulent intention, Reported that no alteration or amendment of the laws relating to garnishments and attachments is necessary, which was concurred in.

Mr. Hopkins from the same committee, to which was referred a resolution instructing them to inquire into the expediency of reporting a bill more effectually to enable merchants, mechanics and shop-keepers to prove their accounts, Reported that it is inexpedient to report such a bill. Mr. Wood moved that the Senate disagree to the report, which was lost- Yeas 7— Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Coats, Conner, Metcalf, Shackelford, Sullivan, Wood— 7.

Those who voted in the negative, are, Mr. President, Bibb, Crabb, Devereux, Hopkins, McCamy, Moore, Murphy, M'Vay, Smith— 10.

Ordered that the Senate concur in said report.

A bill to be entitled an act to amend an act entitled an act to prevent the frauds and fraudulent combinations in the sale of public lands in this state, passed at Huntsville on the 17th of Dec. 1819, was read the 3d time and passed. Ordered that the secretary acquaint the House therewith.

An engrossed bill to be entitled an act to amend the several acts in relation to roads, bridges and ferries, was read the 3d time ; Mr. Powell offered the following amendment to the bill by way of rider, Sec. Be it further enacted, that hereafter the concurrence of a majority of a jury of view shall be a sufficient report to authorise the court of commissioners of revenue and roads to establish any public road under the rules and regulations now provided by law, which was read the three several times and adopted. The question was then put shall the bill pass? and determined in the affirmative. Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to amend an act entitled

act to establish a public road from Ditto's landing to Marston Mead's in Blount county, passed Dec. 30, 1822, was read the 3d time ; Mr. Powell offered the following amendment to the bill by way of rider, Sec. Be it further enacted that the legislature shall have authority from time to time to alter and arrange the rates of till as may be proper from a change of circumstances, which was rejected. Mr. Crabb offered the following amendment, to the bill by way of rider, Provided that nothing herein contained shall be so construed as to take from the state the right of establishing a state rose on the same ground after paying Tobias Derrick and his associates a reasonable compensation for their services, to be ascertained by commissioners appointed by the state, which was read three several times and adopted. The question was then put, shall the bill pass? and determined in the affirmative—Yeas 14— Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Bibb, Casey, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalfe, Moore, Murphy, Shackelford, Smith, Taggart— 14.

Those who voted in the negative, are, Messrs. Coats, McVay, Powell, Sullivan, Wood— 5. So the bill was passed.

Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

A bill to be entitled an act to authorise the resident judge of the 3d judicial circuit to hold an intermediate court in Blount county for the purposes therein mentioned ; And an act giving further tie in which executions shall be made returnable, when issued by justices of the peace from one county to another, were severally read the 2d time, and ordered to be engrossed for a third reading on tomorrow.

Mr. President laid before the Senate the report of the comptroller, shewing the aggregate amount of taxes, on the several objects of taxation within the state for the present year. Ordered, that the report lie on the table and three hundred copies thereof be printed for the use of the Senate.

A bill to be entitled an act amendatory of the several laws now in force in relation to insolvent debtors, was read the 2d time and ordered to be engrossed for a 3d reading on tomorrow.

A bill to be entitled an act to alter the times of holding courts in the first judicial circuit; was read the 2d time, and ordered to be referred to the committee on the judiciary, to consider and report thereon. A bill to be entitled an act, to repeal and amend the several acts for the suppression of fire hunting, and a resolution securing to the people the mode of voting in the most acceptable manner to themselves, were severally read the 2d time, and ordered to be engrossed for a 3d reading tomorrow. On motion of Mr. Moore, a bill to be entitled an act to give to the people of this state the election of assessors and tax collector, was taken up.

Mr. Moore offered the following amendment to the bill. Sec. Be it further enacted, That in all counties where the state tax shall amount to thousand dollars and upwards, the assessors and tax collectors of such counties shall be allowed days in addition to the time allowed by law, to make payment into the state treasury of such excess over and above the sum herein mentioned; which was adopted. The question was then put, shall the bill be engrossed and made the order-

of the day for a 3d reading tomorrow, and determined in the affirmative. Yeas 11, Nays 6.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Conner, Crabb, Devereux, Metcalf, Moore, Murphy, M'Vay, Taggart, wood— 11.

Those who voted in the negative, are Messrs. President, Coats, Hopkins, M'Camy, Powell, Smith— 6.

Mr. Moore from the committee on enrolled bills reported as correctly enrolled. Resolution in relation to certain objects of internal improvement within the state of Alabama ; an act for the relief of Charles Pearson ; An act divorcing Abraham Beadle from Letitia Beadle ; an act divorcing Sarah R. Swansey from James N. Swansey ; An act declaring Cotaco in Morgan county a public highway; an act to establish the Mobile Society of Literature ; An act to repeal part of an act entitled an act to authorise Rebecca Fletcher to emancipate a certain slave therein named, passed Dec. 19, 1823 ; An act for the relief of Joseph Burleson ; and An act to authorise Mary Ann Kennedy to emancipate a certain slave therein named ; all of which were accordingly signed by Mr. President ; and then the Senate adjourned till tomorrow morning at 10 o'clock.

Tuesday, December 14, 1824.

The Senate met pursuant to adjournment.

The following communication was received from the Governor, by James I. Thornton, Esq. Secretary of State.

I have received the resignation of Robert Lawson, esq. as judge of the county court of St. Clair county, and of Nathaniel Dodson, esq. as judge of the county court of Monroe county.

I am respectfully, &c. ISRAEL PICKENS.

Ordered, that the communication lie on the table. Mr. Taggart moved that the resolution prohibiting the introduction of new business after Saturday last be rescinded, and that he have leave to present two petitions, which was lost.

Mr. Casey from the committee on roads, bridges, and ferries, to which was referred a bill to be entitled an act to alter the time of appointing overseers of roads, reported the same as amended, which was concurred in. Ordered, that the bill lie on the table. Mr. Smith from the special committee, to which was referred a bill to be entitled an act to retrench county expenses, reported that the committee being of opinion that it is improper to reduce the compensation of jurors at this time, deem it inexpedient to pass the bill. The bill provides that in lieu of the sum heretofore allowed as a compensation to jurors for their services, every person producing a certificate of their having served on the jury at the last court, shall be exempted from working on roads the same number of days. Mr. Smith moved that the Senate concur in the said report, which was carried. Yeas 15, Nays 2.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, McVay, Powell, Shackelford, Smith, Sullivan, & Taggart— 15.

Those who voted in the negative, are, Metcalf, & Wood.— 2.

So the report was concurred in.

Mr. Taggart from the special committee, to which was referred the petition of Edwin Lewis, Reported a bill to be entitled an act to amend an act authorising Edwin Lewis to open and construct a road in Mo-

Mobile county, and for other purposes passed Dec. 1821; which was read the first time and ordered to be read the 2d time tomorrow.

A message from the House of Representatives by Mr. Murray their clerk. Mr. President : The House of Representatives have read three times and passed bills originating in their House, entitled an act to alter and amend the charter of incorporation of the city of Mobile; an act for changing the compensation of the judge of the county court of Mobile ; An act to provide for the payment of slaves executed in pursuance of law, in which they desire your concurrence. They have also read a 3d time and passed bills originating in your honorable body, entitled an act for rendering the decision of civil causes, more speedy and less expensive than heretofore ; an act concerning public roads in the county of Montgomery; and have amended the same in the manner herewith shewn. They concur in the amendments made by the Senate to the following bills, to wit : an act to exempt the citizens of the town of Marion in Perry county, from working on roads beyond the limits of said town, and for other purposes; and An act concerning the issuing and executing of original process by justices of the peace. They have also read three times and passed a bill originating in your honorable body, entitled an act pointing out the manner by which streets in the town of Greensborough shall be opened and kept in good order, which they have amended by an additional section, and in which amendment they desire your concurrence. On motion Ordered, that the Senate concur in the amendments made by the House of Representatives to bills, entitled an act pointing out the manner by which the streets in the town of Greensborough shall be opened and kept in good order ; and an act concerning public roads in the county of Montgomery. Ordered, that the secretary acquaint the House therewith.

A bill, from the House of Representatives, entitled an act to provide for the payment of slaves executed in pursuance of law, was read the 1st time ; Mr. McVay moved that the further consideration of the bill be indefinitely postponed, which was lost— Yeas 9— nays 10.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Coats, Conner, Crabb, Devereux, McCamy, McVay, Powell, Smith, Wood— 9. Those who voted in the negative, are, Mr. President, Bibb, Casey, Hopkins, Metcalf, Moore, Murphy, Shackelford, Sullivan, Taggart. 10.

Ordered that the bill be made the order of the day for a 2d reading on tomorrow.

Bills (from the House of Representatives) of the following titles, to wit : An act for changing the compensation of the judge of the county court of Mobile county and for other purposes therein mentioned ; and An act to amend the charter of incorporation of the city of Mobile, were severally read the 1st time, & ordered to be read the 2d time tomorrow.

Mr. Taggart from the special committee to which was referred a bill to be entitled an act to provide for the raising a fund for the support of an academy and hospital in the county of Baldwin, reported the same amended, which was concurred in. Ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Murphy from the committee on the state Bank, to which was referred the Governor's message and accompanying documents relating to lost certificates of state stock. Reported a bill to be entitled

an act to provide for the transfer of stock issued by the state and for the renewal of lost certificates thereof, which was read the 1st time and ordered to be read the 2d time tomorrow.

Mr. Murphy called up the bill to be entitled an act to amend the attachment laws of this state ; Mr. Powell offered the following amendment to the bill, Sec. Be it further enacted that in addition to the oath now required by law, such non-resident plaintiff, his agent or attorney, before obtaining any such attachment as is authorised by this act, shall swear that the defendant or defendants against whom such attachment is sued out hath or have not sufficient property within the state of his or their residence within the knowledge or belief of such non-resident plaintiff, agent or attorney, as the case may be, wherefrom to satisfy such debt to demand, which was adopted. Ordered that the bill be engrossed and made the order of the day for a 3d reading on tomorrow.

On motion of Mr. Sullivan a bill to be entitled an act to alter the time of appointing overseers of roads, was taken up ; Mr. Sullivan offered the following amendment to the bill, Sec. 2, And be it further enacted that the judge of the county court on the 3d Monday in August in each and every year, instead of the first Mondays in August as now provided by law, which was adopted. Ordered that the bill be again laid on the table.

On motion of Mr. Taggart, a bill to be entitled an act to incorporate the Minette bridge company was taken up ; ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Shackelford from the select committee to which was referred a bill to be entitled an act to exempt persons of a certain description from taxation, Reported the same as amended, which was concurred in.

Ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Shackelford from the committee on inland navigation, to which was referred the report of the commissioners appointed to improve the navigation of the Tennessee River, Reported a bill to be entitled an act supplementary to an act passed at Cahawba on the 20th Dec. 1823, entitled an act to appoint commissioners to improve the navigation of the Tennessee River, which was read the 1st time, and ordered to be read the 2d time on tomorrow.

A bill to be entitled an act to authorise Armstrong Mitchell, executor and Elizabeth Averett executrix of the last will and testament of Benjamin Averett, deceased, to transfer certain real estate, was read the 3d time and passed. Ordered that the secretary acquaint the House therewith.

An engrossed bill to be entitled an act giving further time in which executions shall be made returnable, when issued by justices of the peace from one county to another, was read the 3d time, and amended by way of rider and passed. Ordered that the title be as aforesaid and that the same be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to repeal in part and amend the several acts for the suppression of fire-hunting, was read the 3d time and passed— Yeas 1— nays 8.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. President, Bibb, Coats, Crabb, Devereux, Hopkins, McCamy, Murphy,

M'Vay, Powell Smith – 11. Those who voted in the negative, are, Messrs. Casey, Conner, Metcalf, Moore, Sullivan, Taggart, and Wood– 7.

Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

An engrossed Resolution securing to the people the mode of voting in the most acceptable manner to themselves, was read the 3d time and passed. Ordered that the title be, A Resolution to ascertain the mode of voting most acceptable to the people, and that the same be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to authorise the resident judge of the 3d judicial circuit to hold an intermediate court in Blount county for the purposes therein mentioned, was read the 3d time & passed.

Ordered that the title be as aforesaid and that the same be sent to the House of Representatives for concurrence.

An engrossed bill to be entitled an act to give to the people of this state the election of the assessors and tax collector, was read the 3d time, and amended by way of rider; the question was the put, shall the bill pass? and determined in the negative– Yeas 9– Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Conner, Metcalfe, Murphy, M'Vay, Shackelford, Sullivan, Wood–9. Those who voted in the negative, are, Messrs. President, Coats, Crabb, Hopkins, M'Camy, Moore, Powell, Smith, Taggart– 9.

So the bill was rejected.

An engrossed bill to be entitled an act amendatory to the several laws now in force in the state for the relief of insolvent debtors, was read the 3d time, and ordered to lie on the table.

On motion ordered that a bill to be entitled an act to change the mode of appointing assessors and tax-collectors be referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act to repeal in part and amend an act to regulate the fees of justices, constables, & lawyers, & ascertain the fees that said officers are hereafter to received, was taken up; the question was then put on the adoption of the amendment offered by Mr. Wood to the bill on the 11th inst. and determined in the negative– Yeas 6, Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Casey, Conner, Metcalfe, McVay, Powell, Wood– 6.

Those who voted in the negative, are, Mr. President, Bibb, Coats, Crabb, Devereux, Hopkins, McCamy, Moore, Murphy, Shackelford, Smith, Sullivan, Taggart– 13. The bill was amended on Mr. Casey's motion, and ordered to be referred to a special committee, consisting of Messrs. Moore, Powell & Bibb to consider and report thereon.

A message from the House of Representatives by Mr. Murray their clerk : Mr. President, the House of Representatives have read 3 times and passed bills originating in their house, entitled an act requiring bills of sale, deeds of gift, &c. in certain cases to be recorded ; An act authorising the location and sale of certain quarter sections of land granted by Congress to the several counties of this state for seats of justice, in which they desire your concurrence. They have also read three times and passed bills originating in your honorable body, entitled an act to provide for the opening and keeping in repair a certain road therein described ; and An act the more effectually to ensue the testimony of absent witnesses by interrogatories, the latter of which they have amended in the manner herewith shewn.

They concur in the amendment made by your honorable body to the bill to be entitled an act to repeal in part an act, entitled an act to establish certain counties therein named, and for other purposes, passed Dec. 17, 1821; and for other purposes. They have also adopted the following resolution : Resolved, that with the concurrence of the Senate, the two Houses of the General Assembly convene in the representative hall at 3 o'clock, on Thursday next, for the purpose of electing a president and directors of the bank of the state of Alabama ; and the judges of the county courts, for all the counties where there is a vacancy; that the west end of the hall be assigned for the reception of the Senate ; and that the Senate be informed thereof, in which also they desire your concurrence. On motion, Ordered, that the bill entitled an act, the more effectually to obtain the testimony of absent witnesses by interrogatories ; together with the amendments made thereto by the House of Representatives, lie on the table till tomorrow.

Bills from the House of Representatives of the following titles, to wit
An act requiring bills of sale, deeds of gift, &c. in certain cases quarter sections of land, granted by Congress to the several counties of this state for seats of justice, were severally read the first time and ordered to be read the 2d time tomorrow.

The following communication was received from the Governor by J. I. Thornton, Esq. Secretary of State.

EXECUTIVE DEPARTMENT, Dec. 14, 1824.

Gentlemen of the Senate and of the House of Representatives,

I lay before you the report of Enoch Parsons, one of the counsel whom I have requested to attend to the interest of the state in the African cases, at the late session of the federal district court of Mobile.

I am respectfully, &c. ISRAEL PICKENS.

Ordered, that the communication together with the accompanying, document, be referred to the committee appointed on so much of the Governor's annual communication as relates to African slaves. On motion of Mr. Bibb, ordered that Mr. Powell be added to the committee on enrolled bills.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Wednesday, December 15, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Murray then clerk, Mr. President, the House of Representatives have read three times and passed bills originating in your honorable body, entitled an act authorising executors, &c. to relinquish lands under the act of Congress of the 18th of May, 1824 ; An act to declare Beaver Creek in Wilcox county a public highway. They have also read three times and passed bills originating in their House entitled to amend the laws in force concerning free negroes, mulattoes and slaves ; An act altering the sale days of lands and slaves in parts of the counties of Lawrence and Franklin ; an act for the relief of Cyrus Sibley, and James L. Seabury, securities of Henry Wheat ; An act to establish a certain county therein named ; An act to establish the permanent seat of justice in the county of Jackson, and for other purposes ; An act to establish the town of Whitesburg ; and to incorporate its trustees ; An act supplementary to, and amendatory of the laws now in force, regulating the appointment of auctioneers, and sales at auction ; and An

act to repeal in part and amend an act entitled an act to incorporate the Murder Creek Navigation Company, passed Dec. 15, 1821, and for other purposes, in all of which they desire your concurrence. They have also adopted the following resolution, in which they desire your concurrence. Resolved, with the concurrence of the Senate, that both branches of the legislature assemble in the representative hall on Thursday next, at the hour of 3 o'clock, P.M. for the purpose of electing twelve trustees of the state university.

Mr. Powell presented the petition of Humphrey Buck praying the passage of a law authorising him to emancipate two negroes, which was read; Mr. Sullivan moved that the petition lie on the table till the first day of next session, which was carried.

Mr. Powell from the committee of accounts and claims, made the following report:

The committee of accounts and claims, to which was referred the account of Daniel Ayers, late jailor of Jefferson county, and also the petition of sundry citizens of said county, praying that the account of Mr. Ayers may be allowed, have had the same under consideration, and have instructed me to report that it is inexpedient and improper that the same should be paid out of the state treasury, as this claim has been twice before rejected by the Senate, it is considered proper to assign the reasons on which the foregoing report is based under the head of prisons and prisoners, Digest, p. 694, it is required that each county shall cause to be erected and established a strong and sufficient jail for the reception and confinement of criminals. By an act entitled an act concerning prisons, digest 658 and 659, it is provided that prisoners may be committed to the nearest safe jail of some adjacent county, provided there is no sure jail in the county in which such prisoners may commit the offences with which they are charged, and by an act prescribing the mode for paying the expenses incurred for the safe keeping of prisoners, digest 658, it is expressly declared that the payment of all guards necessary for the safe keeping of prisoners, and all and every other legal expense, which shall accrue from the want of a good and sufficient jail, shall be paid out of the treasury of the proper county, &c. From an examination of the several acts in relation to that subject, your committee are lead to the conclusion that, the state is not chargeable with any other item of expense for the safe-keeping of criminals, save only that of victualing them at the rate of forty cents per day, and only then upon the certificate of the circuit court, which certificate in addition to the service performed should also contain evidence of the insolvency of the criminals. Your committee, however, are of the opinion that as Mr. Ayer's claim appears to be for apprehending, guarding, conveying and committing to Blount county jail certain prisoners, charged with an offence against the laws of the state, that he should receive the amount thereof from the source properly chargeable with the same. They therefore instruct me to report a bill, to be entitled an act authorising and requiring the treasurer of Blount county to pay to Daniel Ayers a certain sum of money for apprehending, guarding and committing to the jail of said county certain prisoners charged with horse stealing, all of which is respectfully submitted. The bill reported by said committee, was read the first time, and ordered to be read the 2d time tomorrow.

Mr. Bibb from the committee on enrolled bill, reported as correctly enrolled, An act to repeal in part an act therein mentioned ; and requiring the plea of set-off or notice thereof in certain cases ; An act to incorporate a volunteer infantry corps in the city of Mobile, to be styled the Mobile republican Greens ; to establish a stat road leading from the city of Mobile to the Mississippi state line ; An act amendatory of an act regulating escheats in this state, and to appoint

escheators, and for other purposes ; and An act declaring Fling river

in Morgan county a public highway, all of which accordingly signed by Mr. President.

Mr. Sullivan from the special committee to which was referred the petition of Messrs. Gary and Norris, made the following report:— The committee to whom was referred the petition of Gary and Norris, have had the same under consideration and have instructed me to report, that although they lament the situation of the petitioners, in consequence of having entered into contract with the state on the belief that the rate of ferriage at the time of making the contract would not be changed by the county court ; still the county court were authorised by law to establish the rates of ferriage, although the rates of ferriage on four wheeled carriages were reduced from \$1 50 cts. to St. and on two wheeled carriages from 75 cents to 50 cents; yet the petitioners when entering into the contract must have known that it was in the power of the county court to establish the rates. From an examination of the rates, the change in the two items above specified is the only one made. The committee, from the whole of the documents accompanying the petition, have no data by which any relief can be extended. They, therefore, recommend to the Senate that without some date and further evidence, it is inexpedient to grant the prayer of the petitioners. (Signed) D. SULLIVAN, Chairman.

On motion of Mr. Casey, Ordered, that the report, together with the accompanying documents, lie on the table.

Bills from the house of Representatives of the following titles, to wit : an act to amend the laws in force and in use, concerning free — groes, mulattoes and slaves ; An act altering the sale days of lands and slaves in parts of the counties of Lawrence and Franklin ; an act for the relief of Cyrus Sibley and James L. Seabury, securities of Henry Wheat ; to establish the town of Whitesburg and to incorporate its trustees ; and supplementary to, and amendatory of the law now in force regulating the appointment of auctioneers and sales at auction, were severally read the first time and ordered to be made the order of the day for a 2d reading on tomorrow.

Mr. Powell from the committee on enrolled bills, reported as correctly enrolled, An act appointing agents to select a certain quarter section of land for the county of Shelby and other counties therein named, which was signed by Mr. President.

A bill from the House of Representatives, entitled an act to establish a certain county therein named, and for other purposes, was read the first time. The rule requiring all bills to be read on three several days being dispensed, the bill was read the second time forthwith and ordered to be referred to the committee on county boundaries, to consider and report thereon.

A bill to be entitled an act to establish the permanent seat of justice in the county of Jackson, and for other purposes, was read the first time — the rule requiring all bills to be read on three several days being dispensed with, the said bill was read the second time forthwith, and ordered to be read the third time tomorrow.

A bill from the House of Representatives entitled, an act to repeal in part & amend an act entitled an act to incorporate the murder creek navigation company, passed Dec. 15, 1821, and for other purposes, was read the first time — the rule requiring all bills to be read on three sev-

eral days being dispensed with, and the bill was read the second time forthwith, and ordered to be referred to the committee of inland navigation, to consider and report thereon.

On motion, Ordered, that the Senate concur in the resolution of the House of Representatives, proposing to go into the election of a President and Directors of the Bank of the state of Alabama, Judges of the County Courts in the several counties where vacancies exist, and twelve Trastees of the University of the state of Alabama, on tomorrow at the hour of three o'clock, P.M. Ordered, that the secretary acquaint the House of Representatives therewith.

Mr. Casey called up the bill to be entitled, an act to alter the time of appointing overseers of roads. Ordered that the same be engrossed and made the order of the day for a 3d reading on tomorrow.

Mr. Bibb called up the bill to be entitled, an act the more effectually to obtain the testimony of absent witnesses by interrogatories. Ordered, that the Senate concur in the amendments made by the House of Representatives to said bill.

A bill to be entitled, an act exempting persons of a certain description from taxation, was read the third time as amended and passed—Yeas 15, Nays 1.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Coats, Conner Crabb, Devereux, Hopkins, M'Camy, Metcalf, Moore, Murphy, Powell, Shackelford, Sullivan, Wood— 15.

Mr. M'Vay, voted in the negative.

Ordered, that the secretary acquaint the House of Representatives of the passage of said bill.

A bill to be entitled an act to provide for the raising of a fund for the support of an academy and hospital in the county of Baldwin, and an act to incorporate the Minette bridge company, were severally read the third time and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled, an act authorising the location and sale of certain quarter sections of land granted by Congress to the several counties of this state for seats of justice, was read the 2d time and ordered to be referred to a special committee, consisting of Messrs. Casey, Murphy and Bibb, to consider and report thereon.

A bill to be entitled an act requiring bills of sale, deeds of gift, &c. in certain cases to be recorded, was read the 2d time, and ordered to be referred to the committee on the judiciary to consider & report thereon.

A bill to be entitled, an act to alter and amend the charter of incorporation of the city of Mobile ; and an act for changing the compensation of the judge of th county court of Mobile county and for other purposes therein mentioned, were severally read the 2d time, and ordered to be read the 3d time on tomorrow.

A bill to be entitled, an act to provide for the payment of slaves executed in pursuance of law, was read the 2d time. Mr. Wood moved that the bill lie on the table till the tenth day of March next; which was lost— Yeas 7— Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Coats, Conner, Devereux, McVay, Powell, Smith, Wood— 7.

Those who voted in the negative, are, Mr. President, Bibb, Casey, Crabb, Hopkins, McCamy, Metcalfe, Moore, Murphy, Shackelford, Sullivan, Taggart— 12.

Ordered, that the bill be referred to the committee on the judiciary, to consider and report thereon.

An engrossed bill to be entitled, an act to amend the attachment laws of this state, was read the 3d time and passed— Yeas 11, Nays, 8.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Casey, Crabb, Hopkins, M'Camy, Metcalf, Murphy, Shackelford, Smith, Taggart— 11. Those who voted in the negative, are, Messrs. Coats, Conner, Devereux, Moore, M'Vay, Powell, Sullivan, Wood — 8.

So the bill was passed. Ordered that the title be as aforesaid, and that the same be sent to the house of representatives for concurrence.

Bills to be entitled, an act to amend an act to authorise Edwin Lewis to open and construct a road in Mobile county, and for other purposes, passed Dec. 1821; An act to provide for the transfer of stock issued by the state and for the renewal of lost certificates thereof, and An act supplementary to an act, passed at Cahawba on the 20th of Dec. 1823, entitled an act to appoint commissioners to improve the navigation of the Tennessee river, were severally read the 2d time and ordered to be engrossed and amend the order of the day for a third reading on tomorrow.

Mr. Wood called up the bill to be entitled, an act concerning county tax. Mr. Hopkins offered an amendment to the bill which was adopted. The question being put, Shall the bill be engrossed for a third reading on tomorrow? and decided in the negative. Yeas 7, Nays 11

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Conner, M'Camy, Moore, M'Vay, Powell, Wood— 7.

Those who voted in the negative, are, Mr. President, Casey, Coats, Crabb, Devereux, Hopkins, Metcalfe, Murphy, Smith, Sullivan, Taggart— 11.

And then the Senate adjourned till tomorrow at 10 o'clock.

Thursday, December 16, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Murray their clerk. Mr. President : The House of representatives have read three times and passed bills originating in their house, entitled an act supplemental to an act entitled an act, to authorise an extra term of the circuit court of Mobile, and Baldwin counties, passed during the present term of the General Assembly. An act to amend an act entitled an act to authorise Young A. Gray to convey certain real estate therein mentioned, passed Dec. 30, 1823 ; an act to alter and establish the boundary lines between certain counties therein named ; An act to regulate the mode of taxing costs on appeals taken from the decision of justices courts to the circuit and county courts in this state ; An act for the relief of Elijah Montgomery, and Henry Gunnison ; An act the more effectually to ensure the accountability of public officers by providing for the more prompt settlement of public accounts ; An act for the relief of overseers of roads ; An act giving additional remedy against constables, in all of which they desire your concurrence. They have also read a 3d time and passed bills originating in your honorable body, entitled an act to apportion the representatives among the several counties in this state ; and to divide the state into senatorial districts according to the late census, they disagree to the amendment made by your honorable body to the bill entitled an act to alter the place of selling land and negroes, by the sheriff of Bibb and Tuscaloosa counties in certain cases. They disagree to the first amend-

ment made by your honorable to the bill entitled an act to regulate the sales of slaves, by constables by striking out the word ten, and inserting the word twenty. They concur in the second amendment except so far as relates to Tuscaloosa county in the second proviso, to which they disagree.

Mr. Hopkins from the judiciary committee, to which was referred a bill to be entitled an act to change the mode of appointing the assessors and tax collectors, reported, the same without amendment. Ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act to provide for the payment of slaves executed in pursuance of law, reported the same as amended ; which report was concurred in. Mr. M'Camy moved to amend the bill by striking out the 5th section thereof, which reads as follows:

Sec. 5. And be it further enacted, That any owner who shall intentionally fail to procure testimony, or in any manner neglect the defence of his slaves, charged with a capital offence, shall be guilty of a misdemeanor for which he may be fined not exceeding five hundred dollars, and imprisoned not exceeding three months, to be assessed by the court, and shall moreover forfeit all right to demand compensation for such slave ; which was determined in the affirmative Yeas 17, Nays 2.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Casey, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy Metcalf, Moore, Murphy, M'Vay, Shackelford, Smith, Sullivan, Taggart, Wood— 17. Those who voted in the negative, are Bibb, and Powell— 2.

On motion, Ordered that the bill lie on the table.

Mr. Shackelford from the committee on inland navigation to which was referred a bill to be entitled to repeal in part and amend an act entitled an act to incorporate the Murder Creek Navigation Company, passed the 15th of Dec. 1821., and for other purposes, reported, the same without amendment. Ordered, that he bill be made the order of the day for a 3d reading on tomorrow.

Mr. Crabb from the committee on county boundaries, to which was referred a bill to be entitled an act to establish a certain county therein named, and for other purposes, reported the same without amendment.

Ordered, that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Moore from the special committee, to which was referred a bill to be entitled an act to repeal in part an act, regulating the fees of justices, constables, and lawyers, and to ascertain the fees that said officers are hereafter to receive, reported the same as amended ; which was concurred in.

The question was then put shall the bill be made the order of the day for a 3d reading on tomorrow, and determined in the affirmative. Yeas 12, nays 7.

The yeas and nays being called for, those who voted in the affirmative, are Messrs. Bibb, Casey, Coats, Crabb, Devereux, M'Camy, Metcalf, Moore, Murphy, Shackelford, Sullivan, Taggart— 12.

Those who voted in the negative, are Mr. President, Conner, Hopkins, M'Vay, Powell, Smith, and Wood— 7.

Mr. Murphy from the special committee, to which was referred a bill to be entitled an act to bring delinquent officers in Clarke county to an account, Reported the same without amendment. Mr. Hopkins

moved that the further consideration of the bill be postponed till the first day of March next, which was carried. Yeas 15, Nays 4.

The yeas and nays being called for, those who voted in the affirmative, are Mr. President, Bibb, Cats, Conner, Crabb, Devereux, Hopkins, Moore, McCamy, Murphy, Powell, Shackelford, Sullivan, Taggart, and Wood— 15.

Those who voted in the negative, are Messrs. Casey, Metcalf, M'Vay, Smith— 4.

Bills from the House of Representatives, entitled an act giving additional remedy against constables ; An act for the relief of overseers of roads ; An act more effectually to ensure the accountability of public officers by providing for the prompt settlement of public accounts. An act to alter and establish the boundary line between certain counties therein named ; an act for the relief of Elijah Montgomery, and Henry Gunnison ; An act to regulate the mode of taxing costs on appeals taken from the decision of justices courts to the circuit and county courts in this state ; An act to amend an act, entitled an act to authorise Young A. Gray to convey certain real estate therein mentioned, passed December 30, 1823 ; were severally read the first time, and ordered to be made the order of the day for a 2d reading on tomorrow.

A bill from the House of Representatives, entitled an act supplemental to an act, entitled an act to authorise an extra term of the circuit court of Mobile and Baldwin counties, passed during the present session of the General Assembly ; was read a first time. On motion the rule which requires all bills to be read on three several days, was dispensed with, and the bill was read the 2d and 3d time forthwith, and passed. Ordered, that the secretary acquaint the House of Representatives therewith. On motion, Ordered, that the Senate recede from their amendments to the bill to be entitled an act to alter the place of selling lands and negroes by the sheriffs of Bibb, and Tuscaloosa counties in certain cases ; Ordered, that the secretary acquaint the House of Representatives therewith. On motion, ordered that the Senate insist upon their amendment to the bill to be entitled an act to regulate the sale of slaves by constables, by striking out ten and inserting twenty. Ordered, that they recede from the amendment, by adding a proviso to the bill so far as the same relates to Tuscaloosa county. Ordered that the secretary acquaint the House of Representatives therewith.

Mr. Casey presented the account of Robert Mays, which was ordered to be referred to the committee on accounts and claims.

Mr. Sullivan called up a bill to be entitled an act to give Decatur county an additional election precinct; and offered an amendment to the bill, which was adopted. The bill was further amended on motion of Mr. Powell, and ordered to be engrossed and made the order of the day for a 3d reading on tomorrow.

Bills to be entitled an act to establish the permanent seat of justice in the county of Jackson and for other purposes ; An act for changing the compensation of the judge of the county court of Mobile county and for other purposes therein mentioned ; and An act to alter and amend the charter of incorporation of the city of Mobile, were severally read the 3d time and passed. Ordered that the secretary acquaint the House of Representatives.

therewith. On motion, Ordered, that the Senate recede from their amendments to the bill to be entitled an act to alter the place of selling lands and negroes by the sheriffs of Bibb, and Tuscaloosa counties in certain cases ; Ordered, that the secretary acquaint the House of Representatives therewith. On motion, ordered that the Senate insist upon their amendment to the bill to be entitled an act to regulate the sale of salves by constables, by striking out ten and inserting twenty. Ordered, that they recede from the amendment, by adding a proviso to the bill so far as the same relates to Tuscaloosa county. Ordered that the secretary acquaint the House of Representatives therewith.

Mr. Casey presented the account of Robert Mays, which was ordered to be referred to the committee on accounts and claims.

Mr. Sullivan called up a bill to be entitled an act to give Decatur county an additional election precinct; and offered an amendment to the bill, which was adopted. The bill was further amended on motion of Mr. Powell, and ordered to be engrossed and made the order of the day for a 3d reading on tomorrow.

Bills to be entitled an act to establish the permanent seat of justice in the county of Jackson and for other purposes ; An act for changing the compensation of the judge of the county court of Mobile county and for other purposes therein mentioned ; and An act to alter and amend the charter of incorporation of the city of Mobile, were severally read the 3d time and passed. Ordered that the secretary acquaint the House of Representatives.

Mr. Casey from the special committee to which was referred the bill to be entitled an act authorising the location and sale of certain quarter sections of land granted by Congress to the several counties of this state for seats of justice, Reported the same as amended, which report was concurred in. Ordered that the bill be made the order of the day for a 3d reading on tomorrow.

Message fr the House of Representatives by Mr. Tunstall their assistant clerk : Mr. President, the House of Representatives have adopted the following Resolution: Resolved that the Senate be informed that this House is now waiting to proceed to the election of President and Directors of the Bank of the state of Alabama and judges of county courts, to fill such vacancies as may have occurred, pursuant to a joint Resolution. Whereupon the members of the Senate repaired to the hall of the House of Representatives, and after having taken the seats assigned them ; Mr. President arose and announced the object of the meeting, when the two Houses proceeded to the election of a President of the Bank of the state of Alabama;

ANDREW PICKENS, alone, being in nomination:

The votes were for Mr. Pickens 76. The speaker thereupon declared Mr. Pickens duly elected the President of the Bank of the state of Alabama. Those who voted for Mr. Pickens, are

Mr. President	Smith	Crenshaw	Martin	Pickens of D.
Bibb	Sullivan	Cunningham	McVay	Pickens of G.
Casey	Taggart	Dale	McCord	Pickett
Coats	Wood	Dickinson	Mead	Rather
Conner	Mr. Speaker	Dinsmore	Merriwether	Ruffin
Crabb	Abercrombie	Edmondson	Metcalf	Shackleford
Devereux	Bagby	Exum	Miller	Shotwell
Hopkins	Barton	Farrar	Moore of J.	Skinner
McCamy	Baylor	Fleming	Moore of Ma.	Tapscot
Metcalf	Baxter	Fluker	Moore of Mo.	Tindall
Moore	Byler	Gaines	Morton	Watson
Murphy	Camp	Green	Hill	Oliver Vining
McVay	Coleman	Jones	Parham	Weissinger
Powell	Cook	Lanier	Perkins	White
Shackleford	Creagh	Mardis	Peyton	Worthington— 74.

The two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama.

Thomas H. Wiley, John J. Crocheron, Alexander Pope, George Phillips, Gilbert Shearer, Horatio G. Perry, Uriah G. Mitchell, Edwin Curtis, David White, Jesse Beene, James Saffold, Thomas D. King, Henry Hitchcock, William Chislom, William Taylor, William Aylett, David McCord, Jason Gardner, William Read, and John w. Rinaldi, being in nomination, the votes stood thus:

For Mr. Wiley,	65	Mr. Curtis,	50	Mr. Taylor,	38
Crocheron,	63	White,	49	Aylett,	36
Pope,	63	Beene,	49	McCord,	34
Phillips,	60	Saffold,	43	Gardner,	33
Shearer,	57	King,	42	Read,	20
Perry,	56	Hitchcock,	40	Rinaldi,	15
Mitchell,	52	Chislom,	38		

Thomas H. Wily, John J. Crocheron, Alexander Pope, George Phillips, Gilbert Shearer, Horatio G. Perry, Uriah G. Mitchell, Edwin Curtis, Davis White, Jesse Beene, James Saffold, and Thomas D. King, ha-

ving a constitutional majority, the speaker declared them duly elected
Directors of the Bank of the state of Alabama.

Those who voted for Mr. Wiley, are, Mr. President, Bibb, Coats, Conner, Crabb, Devereux, Hopkins, M'Camy, Metcalfe, Moore, Murphy, M'Vay, Powell, Shackelford, Sullivan, Taggart, Wood, Mr. Speaker, Abercrombie, Bagby, Barton, Baylor, Baxter, Byler, Camp, Cook, Creagh, Dale, Dickinson, Dinsmore, Exum, Fleming, Fluker, Hill, Jones, Mardis, Martin, M'Vay, M'Cord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of mar. Moore of on. Morton, Oliver, Parham, Perkins, Peyton, Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington— 65.

Those who voted in for Mr. Crocheron, are, Mr. Bibb, Casey Coats, Conner, Crabb, Devereux, Hopkins, Metcalfe, Moore, Murphy, Smith, Sullivan, Taggart Wood, Mr. Speaker, Abercrombie, Barton, Baylor, Baxter, Byler, Coleman, cook Creagh, Crenshaw, Cunningham, Dale, Dinsmore, Edmondson, Exum, Farrar Fleming, Fluker, Gaines, Green, Hill, Jones, Lanier, Mardis, Martin, McVay, McCord, Merriwether, Metcalf, Miller, Moore of J. Moore of mar Moore of mon Morton, Oliver, Parham, Perkins, Pickens of D. Pickens of G. Pickett, Rather, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, Worthington, 63.

Those who voted for Mr. Pope are— Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Moore, Murphy, McVay Powell, Smith, Sullivan, Taggart, Mr. Speaker Abercrombie, Bagby, Barton Bayler, Baxter, Byler, Camp, Coleman, Cook, Creagh, Crenshaw, Dale, Dickinson, Dinsmore, Exum, Fluker, Gaines, Green, Hill, Lanier, Mardis, Martin McCord, Mead, Merriwether, Miller, Moore of mar. Moore of mon. Morton, Oliver Perkins, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Skinner Tapscot, Tindall, Vining, Watson, Weissinger, white, Worthington— 63.

Those who voted for Mr. Phillips are— Mr. President, Bibb, Conner, Crabb Devereux, Hopkins, McCamy, Metcalfe, Moore, McVay, Powell, Shackelford Smith, Taggart, Mr. Speaker, Abercrombie, Bagby, Barton, Baxter, Byler, Camp Coleman, cook Creagh, Crenshaw, Cunningham, Dale, Dickinson, Edmondson Exum, Fleming, Gaines, Green, Hill, Jones, Lanier, Mardis, Martin, McVay, McCord, Mead, Metcalfe, Miller, Moore of J. Morton, Oliver, Parham, Perkins, Peyton Pickens of D. Pickett, Rather, Shackelford, Shotwell, Tapscot, Vining, Watson Weissinger, White, Worthington— 60.

Those who voted for Mr. Shearer are— Mr President, Bibb, Casey, Conner Devereux, Hopkins, Moore, McVay, Powell, Shackelford, Smith, Taggart, Mr. Speaker, Abercrombie, Bagby, Barton, Baylor, Baxter, Byler, Camp, Coleman Creagh, Crenshaw, Dickinson, Dinsmore, Edmondson, Exum, Fleming, Fluker Gaines, Green, Hill, Jones, Lanier, Mardis, Martin, McVay, McCord, Mead Merriwether, Miller, Moore of J. Moore of mar. Moore of mon, Morton, Parham, Perkins Peyton, Pickens of D. Pickens of G. Shackelford, Shotwell, Tapscot, Tindall Vining, White, Worthington— 57.

Those who voted for Mr. Perry are— Mr. President, Bibb, Coats, Conner Crabb, Devereux, Metcalf, Moore, Murphy, Powell, Shackelford, Sullivan Wood Abercrombie, Bagby, Barton, Baylor, Baxter, Camp, Coleman, Cook, Creagh Dale, Dickinson, Dinsmore, Exum, Farrar, Fleming, Fluker, Green, Hill, Jones Lanier, Mardis, Martin, Mead, Merriwether, Metcalf, Miller, Moore of mar. Morton Oliver, Parham, Perkins, Peyton, Pickens of G. Pickett, Rather, Shackelford Shotwell, Skinner, Tindall, Vining, Watson, Weissinger, White— 56.

Those who voted for Mr. Mitchell are— Mr. Casey, Coats, Conner, Crabb Devereux, McCamy, Metcalf, Murphy, Powell, Shackelford, Smith, Sullivan Taggart, Wood, Mr. Speaker Baylor, Byler, Coleman, Cook, Crenshaw, Cunningham Dale, Dinsmore, Edmondson, Farrar, Fluker, Gaines, Green, Hill, Lanier, Mardis, Martin, McVay, Merriwether, Metcalfe, Miller, Moore of J. Moore of mar. Moore of mon. Peyton, Pickens of D. Pickens of g. Pickett, Rather, Shackelford, Short-

well, Skinner, Tindall, Vining Watson, Weissinger, Worthington— 52.

Those who voted for Mr. Curtis, are Messrs. President, Casey, Coats, Crabb, Hopkins, M'Camy, Metcalf, Moore, Murphy, Smith, Sullivan, Wood, Mr. Speak-

er, Baylor, Byler, Camp, Coleman, Cook, Crenshaw, Cunningham, Dickinson, Dinsmore, Edmondson, Exum, Farrar, Fleming, Gaines, Green, Hill, Lanier, Mardis, McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar, Moore of Mon. Oliver, Rather, Shackelford, Skinner, Tapscot, Tindall, Vining, Watson, White, Worthington— 50.

Those who voted for Mr. White are, Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, Metcalf, Moore, Murphy, McVay, Powell, Shackelford, Sullivan, Abercrombie, Bagby, Barton, Baxter, Camp, Cook, Creagh, Crenshaw, Dale, Dickinson, Edmondson, Exum, Farrar, Fleming, Fluker, Green, Hill, Jones, Lanier, Martin, McCord, Mead, Moore of con. Morton, Oliver, Parham, Perkins, Pickett, Rather, Skinner, Tapscot, Watson, Weissinger, White— 49.

Those who voted for Mr. Beene are, Messrs. Casey, Coats, Crabb, McCamy, Metcalf, Moore, Murphy, McVay, Shackelford, Smith, Sullivan, Taggart, Wood, Mr. Speaker, Baylor, Byler, Coleman, Crenshaw, Cunningham, Dale, Dinsmore, Exum, Edmondson, Farrar, Fluker, Gaines, Hill, Jones, Lanier, Mardis, Martin, McVay, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Parham, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Shackelford, Shotwell, Skinner, Vining, Weissinger, Worthington— 49.

Those who voted for Mr. Saffold, are Messrs. Casey, Coats, Crabb, Devereux, McCamy, Murphy, Smith, Sullivan, Taggart, Wood, Mr. Speaker, Baylor, Byler, Coleman, Cook, Crenshaw, Cunningham, Edmondson, Exum, Farrar, Gaines, Green, Jones, Lanier, Mardis, Martin, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Moore of Mon. Peyton, Pickens of D. Pickens of G. Pickett, Shackelford, Shotwell, Skinner, Vining, Watson, Weissinger, Worthington— 43.

Those who voted for Mr. King, are Messrs. Casey, Coats, Crabb, McCamy, Metcalf, Murphy, Smith, Sullivan, Taggart, Wood, Mr. speaker, Bagby, Baylor, Byler, Coleman, Cunningham, Crenshaw, Edmondson, Farrar, Gaines, Hill, Jones, Lanier, Mardis, McVay, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Moore of Mon. Peyton, Pickens of D. Pickens of G. Pickett, Rather, Shotwell, Skinner, Tindall, Vining, Watson, Worthington— 42.

Those who voted for Mr. Hitchcock, are Messrs. President, Bibb, Conner, Devereux, Hopkins, Moore, Murphy, McVay, Powell, Shackelford, Abercrombie, Bagby, Barton, Baxter, Camp, Cook, Creagh, Dale, Dickinson, Dinsmore, Fleming, Fluker, Green, Jones, Martin, McCord, Mead, Metcalf, Morton, Oliver, Parham, Perkins, Pickett, Rather, Ruffin, Shotwell, Tapscot, Tindall, Watson, White— 40.

Those who voted for Mr. Chisolm, are Messrs. President, Bibb, Conner, Devereux, Hopkins, Moore, McVay, Powell, Shackelford, Sullivan, Abercrombie, Bagby, Barton, Baxter, Camp, Coleman, Creagh, Dale, Dickinson, Dinsmore, Edmondson, Exum, Farrar, Fleming, Fluker, Green, McVay, McCord, Mead, Moore of Mon. Morton, Oliver, Parham, Perkins, Shackelford, Tapscot, Weissinger, White— 38.

Those who voted for Mr. Taylor, are Messrs. President, Bibb, Conner, Devereux, Hopkins, Moore, Murphy, McVay, Powell, Shackelford, Sullivan, Abercrombie, Bagby, Barton, Baxter, Camp, Cook, Creagh, Cunningham, Dale, Dickinson, Dinsmore, Farrar, Fleming, Fluker, McCord, Mead, Moore of Mon. Morton, Oliver, Parham, Perkins, Pickett, Rather, Ruffin, Tapscot, Weissinger, White— 33.

Those who voted for Mr. Aylett, are Messrs. President, Bibb, Coats, Conner, Hopkins, Moore, McVay, Powell, Shackelford, Abercrombie, Bagby, Barton, Baxter, Camp, Creagh, Cunningham, Dickinson, Dinsmore, Exum, Fleming, Fluker, Gaines, Martin, McCord, Mead, Moore of Mon, Morton, Oliver, Parham,

Perkins, Pickens of D. Pickens of G. Ruffin, Tapscot, Tindall, White— 36.

Those who voted for Mr. McCord, are Messrs. President, Bibb, Hopkins, McCamy, McVay, Powell, Shackelford, Abercrombie, Bagby, Barton, Baxter, Byler,

Camp, Cook, Cunningham, Dale, Dickinson, Fleming, Gaines, Green, McVay McCord, Mead, Metcalf, Moore of J. Morton, Oliver, Parham, Perkins, Peyton Tapscot, Watson, Weissinger, White— 34.

Those who voted for Mr. Gardner, are Messrs. Casey, Coats, Crabb, McCamy, Metcalf, Smith, Taggart, Wood, Mr. Speaker ; Baylor, Byler, Coleman Crenshaw, Cunningham, Edmondson, Farrar, Gaines, Jones, Lanier, Mardis McVay, Merriwether, Miller, Pickens of D. Pickens of G. Moore of J. Peyton Shackleford, Shotwell, Skinner, Tindall, Vining, Worthington— 33.

Those who voted for Mr. Read, are, Messrs. Casey, McCamy, Smith, Taggart, Wood, Mr. Speaker, Baylor, Crenshaw, Edmondson, Hill, McVay, Merriwether, Moore of J. Moore of Mar. Peyton, Pickens of D. Pickens of G. Shackleford, Tindall, Worthington— 20.

Those who voted for Mr. Rinaldi, are Messrs. Casey, McCamy, Metcalf, McVay, Smith, Taggart, Wood, Cunningham, Farrar, Jones, Metcalf, Moore of Mar. Pickens of D. Shotwell, Skinner— 15.

The two Houses then proceeded to the election of the judge of the county court of Monroe county, in place of Nathaniel Dodson, resigned, William B. Patton, Henry W. Taylor, and Asa Hammond being in nomination the votes stood thus:

For Mr. Patton, 25; Mr. Taylor, 28; Mr. Hammond, 28;

Those who voted for Mr. Patton, are Messrs. President, Hopkins, Moore, Mr. Speaker, Abercrombie, Barton, Camp, Creagh, Crenshaw, Dale, Exum, Farrar Fluker, McVay, Metcalf, Parham, Pickens of D. Ruffin, Shackleford, Shotwell Vining, Watson, Weissinger, White, Worthington— 25.

Those who voted for Mr. Taylor, are Messrs. Bibb, Conner, Crabb, Devereux, Powell, Taggart, Bagby, Baylor, Byler, Cook, Cunningham, Dickinson Edmondson, Fleming, Gaines, Green, Hill, Jones, Mardis, Martin, McCord Mead, Morton, Oliver, Pickett, Rather, Tapscot, Tindall— 28.

Those who voted for Mr. Hammond, are Messrs. Casey, Coats, McCamy Metcalf, Murphy, McVay, Smith, Sullivan, Wood, Baxter, Coleman, Dinsmore Merriwether, Miller, Moore of J. Moore of Mar. Moore of Mon. Peyton, Pickens of G. Skinner— 20.

No one of the candidates having a constitutional majority, the two Houses proceeded to the election again, when the votes stood thus:

For Mr. Patton, 28 ; Taylor, 29; Hammond, 16.

Those who voted for Mr. Patton, are Messrs. President, Hopkins, McCamy Moore, Mr. speaker, Abercrombie, Barton, Camp, Coleman, Creagh, Crenshaw Cunningham, Dale, Farrar, Fluker, Gaines, McVay, Metcalf, Parham, Pickens of D. Ruffin, Shackleford, Shotwell, Skinner, Vining, Weissinger, White, Worthington— 28.

Those who voted for Mr. Taylor, are Messrs. Bibb, Conner, Crabb, Devereux, Powell, Taggart, Bagby, Baylor, Byler, Cook, Dickinson, Edmondson Exum, Fleming, Green, Hill, Jones, Mardis, Martin, McCord, Mead, Moore of Mar. Morton, Oliver, Peyton, Pickett, Rather, Tapscot, Tindall— 29.

Those who voted for Mr. Hammond, are Messrs. Casey, Coats, Metcalf Murphy, McVay, Smith, Sullivan, Wood, Baxter, Dinsmore, Merriwether, Miller Moore of J. Moore of Mon. Pickens of G. Watson— 16.

No one of the candidates having a constitutional majority, the two Houses proceeded a third time to the election of a judge of the said county court of Monroe county, William B. Patton, and Henry W. Taylor, being in nomination, the votes stood thus:

For Mr. Patton, 37; Mr. Taylor, 37.

Those who voted for Mr. Patton, are Messrs. President, Coats, Hopkins Metcalf Moore, Murphy, McVay, Wood, Mr. Speaker, Abercrombie, Barton, Camp

Coleman, Creagh, Crenshaw, Dale, Dinsmore, Farrar, Fluker, Gaines, McVay,
McCord, Merriwether, Metcalf, Miller, Moore of J. Parham, Pickens of D. Pick-

ens of G. Ruffin, Shackelford, Shotwell, Skinner, Vining, Weissinger, White Worthington— 37.

Those who voted for Mr. Taylor, are Messrs. Bibb, Casey, Conner, Crabb Devereux, McCamy, Powell, Shackelford, Smith, Sullivan, Taggart, Bagby Baylor, Baxter, Byler, Cook, Cunningham, Dickinson, Edmondson, Exum Fleming, Green, Hill, Jones, Mardis, Martin, Mead, Moore of Mar. Moore of Mon. Morton, Oliver, Peyton, Pickett, Rather, Tapscot, Tindall, Watson— 37.

Neither of the candidates having a constitutional majority, the two Houses then proceeded a fourth time to the election of said judge, the same gentlemen being in nomination. The votes stood thus:

For Mr. Patton, 37; Mr. Taylor, 37.

Those who voted for Mr. Patton, are Messrs. President, Coats, Hopkins, Metcalf, Moore Murphy McVay Wood Mr. Speaker Abercrombie Barton Camp Coleman Creagh Crenshaw Dale Dinsmore Farrar Fluker Gaines Mc Vay Mead Merriwether Metcalf Miller Moore of J. Parham Pickens of D. Pickens of G. Ruffin Shackelford Shotwell Skinner Vining Weissinger White Worthington— 37.

Those who voted for Mr. Taylor, are Messrs .Bibb Casey Conner Crabb Devereux McCamy Powell Shackelford Smith Sullivan Taggart Bagby Baylor Baxter Byler Cook Cunningham Dickinson Edmondson Exum Green Hill Jones Lanier Mardis Martin McCord Moore of Mar. Moore of Mo. Morton Oliver Peyton Pickett Rather Tapscot Tindall Watson— 37.

Neither of the candidates having a constitutional majority, the two Houses proceeded a fifth time to the election of said Judge, the same gentlemen being in nomination— the votes stood thus— for Mr. Patton 41— Taylor 34. whereupon Mr. Speaker declared William B. Patton duly elected Judge of the county court of Monroe county. Those who voted for Mr. Patton are

Mr. President, Coats, Hopkins, McCamy, Metcalf, Moore, Murphy, McVay Wood, Mr. Speaker, Abercrombie, Barton, Camp, Coleman, Creagh, Crenshaw Cunningham, Dale, Dinsmore, Farrar, Fluker, Gaines, McVay, McCord, Mead Merriwether, Metcalf, Miller, Moore of J. Moore of Mon, Parham, Pickens of D. Pickens of G. Ruffin, Shackelford, Shotwell, Skinner, Vining, Weissinger, White Worthington— 41. Those who voted for Mr. Taylor, are

Mr. Bibb, Casey, Conner, Crabb, Devereux, Powell, Shackelford, Smith, Sullivan Taggart, Bagby, Baylor, Baxter, Byler, Cook, Dickinson, Edmondson, Exum, Fleming Green, Hill, Jones, Lanier, Mardis, Martin Moore of Mar. Morton, Oliver, Peyton, Pickett, Rather, Tapscot, Tindall, Watson— 34.

The two Houses then proceeded to the election of a Judge of the county court for Autauga county, Eli Terry alone being in nomination— the votes stood thus— for Mr. Terry 68. The Speaker thereupon declared Mr. Terry duly and constitutionally elected Judge of the county court for Autauga county.

Those who voted for Mr. Terry are— Mr. President, Casey, Coats, conner Crabb, Devereux, Hopkins, McCamy, Metcalf, Moore, Murphy, McVay, Powell Shackelford, Smith, Sullivan, Taggart, Wood, Mr. Speaker, Abercrombie, Barton Baylor, Baxter, Byler, Coleman, Creagh, Crenshaw, Cunningham, Dale, Dickinson Edmondson, Exum, Farrar, Fleming, Fluker, Gaines, Green, Hill, Jones, Lanier, Mardis McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Moore of mon, Morton, Oliver, Parham, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining Watson, Weissinger, Worthington— 68.

The two Houses then proceeded to the election of a Judge of the county court to Butler county, James Lane alone being in nomination, the votes stood thus:

For Mr. Lane, 64.

whereupon Mr. speaker declared James Lane duly elected judge of the coun-

ty court of Butler county. Those who voted for Mr. Lane, are

Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, McCamy, Moore
Metcalf, Murphy, McVay, Powell, Shackelford, Smith, Sullivan, Taggart, Wood
Mr. Speaker, Bagby, Baylor, Baxter, Byler, Coleman, Cook, Creagh, Crenshaw

Cunningham, Dale, Dickinson, Edmondson, Exum, Farrar, Fluker, Gaines, Green Hill, Jones, Lanier, McVay, McCord, Merriwether, Metcalf, Miller, Moore of J. Moore of mar. Moore of mon, Morton, Oliver, Parham, Peyton, Pickens of D. Pickens of G. Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining Watson Weissinger, Worthington— 64.

The two Houses then proceeded to the election of a judge of the county court for St. Clair county. Samuel Boyd alone being in nomination, the votes stood thus: For Mr. Boyd, 71.

The speaker thereupon declared Samuel Body duly elected judge of the county court for St. Clair county. Those who voted for Mr. Boyd, are

Messrs. President Bibb Casey Coats Conner Devereux Hopkins McCamy Metcalf Moore Murphy McVay Powell Shackelford Smith Sullivan Taggart Wood Mr. Speaker Abercrombie Bagby Barton Baylor Baxter Byler Camp Coleman Creagh Crenshaw Cunningham Dale Dickinson Edmondson Exum Farrar Fleming Fluker Gaines Green Hill Jones Lanier Mardis Martin McVay McCord Mead Merriwether Metcalf Miller Moore of J. Moore of Mar. Moore of Morton Oliver Parham Peyton Pickens of D. Pickens of G. Pickett, Rather Ruffin Shackelford Skinner Shotwell Tapscot Tindall Vining Watson Weissinger Worthington— 71.

The two Houses then proceeded to the election of a judge of the county court of Clarke county. Edward Kennedy alone being in nomination, the votes stood thus: For Mr. Kennedy 63. Those who voted for Mr. Kennedy, are

Messrs. President Bibb Casey Coats Conner Crabb Devereux McCamy Metcalf Moore Murphy M' Vay Powell Shackelford Smith Sullivan Taggart wood Mr. Speaker Baxter Byler Camp Coleman Cook Creagh Crenshaw Cunningham Dale Dickinson Edmondson Exum Farrar Fluker Gaines Green Hill Jones Lanier Mardis McVay McCord Merriwether Metcalf Miller Moore of J. Moore of Mar. Moore of Mon. Morton Oliver Parham Peyton Pickens of G. Pickett Rather Shackelford Shotwell Skinner Tapscot Tindall vining Watson Weissinger Worthington— 63.

The Speaker thereupon declared Edward Kennedy duly elected judge of the county court for Clarke county. The two Houses then proceeded to the election of a judge of the county court of Perry county. George W. Brame alone being in nomination, the votes stood thus : For Mr. Brame, 60. The Speaker thereupon declared George W. Brame duly elected judge of the county court for Perry county. Those who voted for Mr. Brame, are

Messrs. President Bibb Casey Coats Conner Crabb Devereux McCamy Metcalf Moore Mruphy, McVay Powell Shackelford Smith Sullivan Taggart Wood Mr. Speaker Baxter Byler Coleman Creagh Crenshaw Cunningham Dale Dickinson Edmondson Exum Farrar Fluker Gaines Green Hill Jones Lanier Mardis McVay McCord Merriwether Metcalf Miller Moore of j. Moore of Mar. Moore of Mon. Oliver Peyton Pickens of G. Pickett Rather Ruffin Shackelford Shotwell Skinner Tapscot Tindall Vining Watson Weissinger Worthington— 60.

The two Houses then proceeded to the election of a judge of the county court for Dallas county, James Saffold alone being in nomination, the votes stood thus: For Mr. Saffold, 62. The speaker thereupon declared James Saffold duly elected judge of the county court of Dallas county.

Those who voted for Mr. Saffold are Messrs. President Bibb, Casey Coats Conner Crabb Devereux Hopkins McCamy Metcalf Moore Murphy McVay Powell Smith Sullivan Taggart Wood, Mr. Speaker Baxter Byler Byler Coleman Cook Creagh Crenshaw Cunningham Dale Dickinson Edmondson Exum Fluker Gaines Green Hill Jones Lanier Mardis McVay McCord Merriwether Metcalf Miller Moore of J. Moore of Mar. Moore of Mon. Oliver Parham Peyton Pickens of D. Pickens of G. Pickett Rather Ruffin Shackelford Shotwell Skinner Tapscot Tindall Vining Watson Weissinger Worthington— 62.

The two Houses then proceeded to the election of a judge of the county court for Jackson county. Samuel B. Moore, and Lyman James being in nomination, the votes stood thus For Mr. Moore, 61; Mr. James 10. The Speaker thereupon declared Samuel B. Moore duly elected judge of the county court for Jackson county.

Those who voted for Mr. Moore, are, Mr. Bibb, Casey, Coats, Conner, Crabb, Devereux, M'Camy, Metcalfe, Moore, Murphy, M'Vay, Powell, Shackelford, Smith, Sullivan, Taggart, Wood, Bagby, Baylor, Baxter, Byler, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Edmondson, Exum, Farrar, Fleming, Fluker, Gaines, Hill, Jones, Lanier, Mardis, Martin, M'Vay, M'Cord, Merriwether, Metcalf, Miller, Moore of mar. Moore of mon. Oliver, Parham, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining, Weissinger, Worthington— 61.

Those who voted for Mr. Jones, are, Mr. President, Hopkins, Mr. Speaker Abercrombie, Barton, Camp, Green, Morton, Peyton, Watson— 10.

The election being completed the Senate then withdrew to their own chamber, and Mr. President resumed the chair

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Friday, December 17, 1824.

The Senate met pursuant to adjournment.

Mr. Moore from the committee on enrolled bills, Reported as correctly enrolled, An act regulation proceedings on penal bonds ; an act for the relief of George A. Glover assessor and tax collector of Lawrence county for the year 1823 ; Resolutions providing for the further distribution of the statute laws of the state of Alabama ; An act for the emancipation of slaves George and Sarah ; An act to authorise judges of the county courts to practice law out of the county in which they may reside ; An act concerning public roads in the county of Montgomery; An act authorising executors, &c. to relinquish lands under act of Congress of 18th may 1824 ; and an act to apportion the Representatives among the several counties in this state and to divide the state into Senatorial districts according to the late census, all of which were accordingly signed by Mr. President.

Mr. Murphy offered the following resolution: Resolved that the principal clerk be authorised to employ an assistant clerk, to expedient the transaction of business for the remainder of the present session of the General Assembly, which was adopted.

A bill to be entitled an act more effectually to ensure the accountability of public officers by providing for the prompt settlement of public accounts, was read the 2d time, and ordered to be referred to the judiciary committee, to consider and report thereon.

A bill to be entitled an act supplementary to and amendatory of, the several laws now in force, regulating the appointment of auctioneers and sales at auction, was read the 3d time, Mr. Murphy moved to reconsider the vote of the Senate on ordering said bill to a 3d reading, which was carried. Ordered that the bill be referred to a special committee, consisting of Messrs. Casey, Moore and Murphy to consider and report thereon.

Bills to be entitled an act altering the sale days of lands and slaves in parts of the counties of Lawrence and Franklin ; an act to establish a certain county therein named and for other purposes ; and an act authorising the location and sale a certain quarter sections of land granted by Congress to the several counties of this state for seats of justice, were severally read the 3d time and passed. Ordered that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act for the relief of Cyrus Sibley and James L. Seabury securities of Henry Wheat, was read the 3d time ; Mr.

Powell offered the following amendment to the bill by way of rider, Sec. Be it further enacted, that on failure of the parties to pay bonds or notes by this act required to be taken on any of them at the time the same may become due, it shall and may be lawful for the comptroller of public accounts to proceed to collect the same in the manner which is now or may hereafter be pointed out for enforcing collection against tax collectors, which was read three several times and adopted. The question was then put, shall the bill pass? and determined in the affirmative— Yeas 14— nays 4.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Bibb, Casey, Crabb, Devereux, Hopkins, McCamy, Moore, Murphy, Powell, Shackelford, Sullivan, Taggart, Wood— 14. Those who voted in the negative, are, Messrs. Coats, Conner, Metcalf, McVay— 4.

Ordered that the secretary acquaint the House therewith.

Mr. Murphy moved to reconsider the vote of the Senate on the passage of a bill to be entitled an act to authorise the location and sale of certain quarter sections of land granted by Congress to the several counties of this state, for seats of justice, which was carried. Ordered that the same be referred to a special committee, consisting of Messrs. Murphy, Hopkins and Casey, to consider and report thereon.

A bill to be entitled an act to repeal in part and amend an act entitled an act to incorporate the Murder creek navigation company, passed Dec. 15, 1821, and for other purposes, was read the 3d time and passed. Ordered that the secretary acquaint the house therewith.

Mr. President laid before the Senate the following communication for the president of the bank of the state of Alabama.

To the General Assembly of the state of Alabama : The president and directors of the bank of the state of Alabama beg leave respectfully to represent, that at the last session of the General Assembly acts were passed, allowing the banks of Mobile and Tombeckbee to issue bills or notes which should not be payable for one hundred and twenty days, commonly called post notes, and that we fear this privilege will enable these banks, if they should continue to issue such notes, very materially to affect the operations of the bank which you have thought proper to confine to our management. To illustrate how this extraordinary privilege, which has been granted to those banks, will operate injuriously to use, we will only state to you what we believe will be practical operation of this system, so soon as the State bank shall commence its business. These post notes, payable four months after date, when put into circulation will be converted either directly or indirectly by those who wish to raise funds to make their purchasers, either in New-York or New-Orleans, into our paper, for the purpose of drawing our specie or other paper which will answer their purposes abroad. These banks, in this way, will be doing the profitable business upon promissory notes, and we will pay the money for them. The immediate effect of this will be to oblige us almost as soon as we begin to discount, to curtail our discounts to secure ourselves against this artificial state of things. In this mode of exchange it must also be apparent that these banks, by issuing these post notes for discounted paper, may receive two per cent for the same before their amount can be demanded at the bank in specie ; thereby receiving a discount for that which is not money or the representative of money. Whether this anticipate evil, arising out of things, as they now are, can be remedied, it is for the wisdom of the General Assembly to determine, and if it can we appeal to it, with confidence, to apply the remedy.

By order of the Board, ANDREW PICKENS, President, &c.

Ordered, that the said communication be referred to the committee on the state bank.

A bill to be entitled, an act to establish the town of Whitesburg and

to incorporate its trustees, was read the 3d time and passed. Ordered that the secretary of the Senate acquaint the House therewith.

A bill to be entitled, an act to repeal in part an act regulating the fees of justices, constables and lawyers, and to ascertain the fees that said officers are hereafter to received, was read the third time and passed. Yeas 12— Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Coats, Crabb, Devereux, M'Camy, Moore, Murphy, Shackelford, Smith, Sullivan, Taggart— 12. Those who voted in the negative, are, Messrs. President, Conner, Hopkins, Metcalf, McVay, Powell, Wood— 7.

Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act to change the mode of appointing assessors and tax collectors, was read the 3d time; Mr. Shackelford offered the following amendment to the bill by way of rider, Provided however, that when the justices are so connected with the judge of the county court and commissioners as aforesaid, that this law shall not be so construed as to allow the judge a vote in any case except where there is a tie, any law to the contrary notwithstanding, which was read three several times and adopted. Mr. Casey offered the following amendment to the bill ; Provided that no magistrate shall be eligible as assessor or tax collectors, which was adopted ; then the question was put, shall the bill pass? and determined in the affirmative— Yeas 10, Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Conner, McCamy, Metcalf, Murphy, McVay, Shackelford, Smith, Sullivan, Taggart, Wood— 10. Those who voted in the negative, are, Mr. President, Bibb, Casey, Coats, Crabb, Devereux, Hopkins, Moore, Powell, 9.

The following communication was received from his excellency the Governor by J. I. Thornton, esq. secretary of state:

Executive Department, Dec. 16, 1824.

Gentlemen of the Senate and f the House of Representatives,

I lay before you a communication from the Board of Trustees of the University of the state of Alabama. I am very respectfully, ISRAEL PICKENS.

The said Report of the said Trustees is as follows:

Board of Trustees of the University of Alabama:

To the honorable the senate and House of Representatives,

The Board of Trustees respectfully submit their view in relation to certain interest of the institution which they understand are now under Legislative consideration. 1st, In regard to the minimum price of the University lands the Board are unanimously of opinion that any reduction at this time would be inexpedient. The reasons inducing them to this opinion arise out of facts communicated by those most intimately acquainted with the lands in different sections of the sate, and with all circumstances connected with the subject.

One fractional section, and five quarter sections have recently been entered at the existing price, and it is believed that other tracts will be taken after the present expectation of a reduction is done away. It is admitted that portions of the land may not soon be saleable at seventeen dollars per acre, yet the Board consider that the delay in the sale of these portions will be of less importance than the sacrifice which would attend a general reduction. Under a favorable change of circumstances it is confidently expected that much of the University land will command the present minimum. The price of lands cannot now be considered as matured ; much relinquished and other public land has recently been in market, and more will very soon be offered, a reduction at such a peculiarly unfavorable season is viewed, with great deference, as unadvisable.

2d. The Board of Trustees feel an unusual reluctance in addressing your hon-

orable body, in relation to another subject, as it affects the private application of

a citizen to the Government of his county for the relief ; and it is only under the impression of a paramount duty they owe to the interests of the institution, whose concerns have been entrusted by law to their care, that they feel bound to submit respectfully their view to the General Assembly. The subject alluded to, is the claim of Mr. Marr to obtain a release from bonds given by him for the rent of University lands during the years 1820 & 1821.

The act of Congress passed 2d March 1819, granted to this state the land, endowment for the Seminary; the designation to be made by the Secretary of the Treasury. In pursuance to the instructions from the Treasury Department, dated as early as the 2d Dec. 1819, authorising the designation by the late Executive of tracts, and determining to direct the reserve of those tracts which were selected as part of the complement of seventy-two sections, a list whereof was transmitted to the Secretary of the Treasury, and a copy thereof retained in the Executive office ; among the tracts designated as first selected, was the land leased to Mr. Marr, as well as the lands leased to many other lessees.

An act of Assembly passed Dec. 17, 1819 , no doubt for the purpose realizing as early as possible the benefit of the selection authorised by the Treasury Department, to be made by the Executive, which act authorises the Governor to appoint three commissioners in which county wherein any of the tracts were situate, to least the same at public auction, and to take bonds for the rent. Pursuant to this act, the lands were leased in all the counties wherein they were situated, or as far forth as was practicable. Among these are cases of Mr. Marr ; from the rent of which he has asked relief. The amount for which the lands rented in the years 1820 & 1821 was in all not much short of ten thousand dollars. In the case of Mr. Marr's lease the trustees are unapprized of anything which should distinguish his case from all other cases. He does not pretend that he had not the full enjoyment of his term agreeably to the stipulation. The tract leased to him was among the earliest selections made by the state, and was reserved from sale of lands at Tuscaloosa at the first sale therein 1821 by the directions of the Treasury Department. It is true that none of the University lands have been perfected by patent until since the last session.

Should the Legislature in its wisdom grant relief to the present applicant, a similar relief will be due to numerous others who will of course on equal grounds apply ; and also those who have paid rent will have a just claim to your impartial notice. By order of the Board unanimously, ISRAEL PICKENS, Pres't

Note, Sec act of Congress, digest p. 912. See act of assembly 1819, sections 10 & 11, page of digest 540.

Ordered that the communication together with the accompanying document lie on the table.

A bill to be entitled an act giving additional remedy against constables, was read the 2d time, and on motion, was referred to the judiciary committee to consider and report thereon.

A bill to be entitled an act for the relief of overseers of roads, was read the 2d time, and on motion, was referred to the committee on roads, bridges and ferries, to consider and report thereon.

A bill to be entitled for the relief of Elijah Montgomery and Henry Gunnison, was read the 2d time ; Mr. Taggart offered the following amendment to the bill : Sec. 2 Be it further enacted, that Thomas B. Tunstall and John B. Hogan are hereby relieved from the penalties of the before recited act, and restored to their privileges as is mentioned in the first section of this act, which was adopted. Mr. Sullivan moved to insert the name of Hiram Shortridge after the name of John B. Hogan, which was carried. Mr. Shackelford offered the following amendment, And be it further enacted, that all laws and parts of

laws in force in this state in relation to duelling be, and the same is hereby repealed, which amendment was rejected— Yeas 4— Nays 15.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Coats, Crabb, Metcalf, Shackelford— 4. Those who voted in the negative, are, Mr. President, Bibb, Casey, Conner, Devereux, Hopkins, McCamy, Moore, Murphy, M'Vay, Powell, Smith, Sullivan, Taggert, Wood— 15.

Mr. Casey moved that the bill be indefinitely postponed, which was lost— Yeas 9— Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Casey, Coats, Devereux, M'Camy, Metcalf, Moore, Murphy, M'Vay, Sullivan — 9. Those who voted in the negative, are, Mr. President, Bibb, Crabb, Conner, Hopkins, Powell, Shackelford, Smith, Taggert, Wood— 10.

On motion ordered that the bill be referred to the committee of propositions and grievances, with power to sent for persons, papers and records. On motion it was ordered that Mr. Powell be added to the committee of propositions and grievances.

A bill to be entitled an act to alter and establish the boundary lines of certain counties therein named, was read the 2d time and referred to the committee on county boundaries.

A bill to be entitled an act to regulate the mode of taxing costs on appeals taken from the decision of justices of the peace to the circuit or county courts, was read the 2d time and on motion was referred to the judiciary committee.

A bill to be entitled an act to amend an act entitled an act to authorise Young A. Gray to convey certain real estate therein mentioned, was read the 2d time, and ordered to be made the order of the day for a 3d reading tomorrow.

The engrossed bill to be entitled an act authorising and requiring the treasurer of Blount county to pay to Daniel Ayers a certain sum of money for apprehending, guarding and committing to the jail of said county, certain persons charged with horse stealing, was read the 3d time and passed— Yeas 14— Nays 4.

The yeas and nays being called for, those who voted in the affirmative, are Mr. Casey, Coats, Crabb, Devereux, McCamy, Metcalf, Moore, Murphy, M'Vay, Powell, Shackelford, Sullivan, Taggert, Wood— 14. Those who voted in the negative, are Mr. President, Conner, Hopkins, Smith— 4.

An engrossed bill to be entitled an act to give Decatur county an additional election precinct, was read the 3d time and passed. On motion it was ordered that the title of said bill be an act to establish certain election precincts therein named. Ordered that said bill be sent to the House of Representatives for their concurrence.

Mr. Casey presented the account of Wm. Gary, which was referred to the committee on accounts and claims.

Mr. Taggert called up a bill to be entitled an act to extend the time of payment of part of the public revenue of Washington county. The bill was amended on Mr. Murphy's motion, and ordered to be referred to special committee, consisting of messrs. Murphy and Taggert, to consider and report thereon.

On motion of Mr. Moore, Ordered that messrs Casey and Powell be added to the special committee appointed to inquire into the expediency of establishing a branch of the state Bank in the northern part of this state. Ordered that Mr. Hopkins be excused from serving on said committee.

Mr. Murphy offered the following resolution : Resolved that the president of the Senate be requested to invite the Bibb society of the state

of Alabama to hold their anniversary meeting this evening in the Senate chamber, should they find it convenient to do so, which resolution was adopted. And then the Senate adjourned till tomorrow morning at 10 o'clock.

Saturday, Dec. 18, 1824.

The Senate met pursuant to adjournment.

Mr. Murphy from the committee on schools and college lands made the following report:

The committee on schools and colleges, and school and college lands to whom was referred the Resolution, to inquire into the expediency of explaining, amending and simplifying the law respecting the 16th section of land appropriated for the use of schools in the several townships in this state, very respectfully report that they have had the same under consideration, and are of opinion that altho' the present laws may be susceptible of further explanation, simplification and amendment, the experience of the operation of the laws for some reasonable length of time, will furnish the best data upon which these objects shall be accomplished ; they therefore believe that it is not expedient to attempt any thing on this subject at the present session, which was concurred in.

Mr. Crabb from the committee on county boundaries, to which was referred a bill to be entitled an ct to alter and establish the boundary line between certain counties named, Reported the same without amendment. Ordered, that the bill be read the 3d time on tomorrow.

Mr. Moore from the special committee, to which was referred a resolution from the Senate instructing them to inquire into the expediency of establishing a branch of the bank of the state of Alabama, reported a bill to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama, which was read the first time. On motion, the rule which requires all bills to be read on three several days was dispensed with, and the bill was read the 2d time forthwith. Mr. Hopkins moved to strike out the second section of said bill, and insert therein the following: that as soon as the president and directors of the bank of the state of Alabama shall receive two hundred thousand dollars in specie of the capital of said bank, they are hereby authorised and required in behalf of the state to set apart one hundred thousand dollars thereof, which sum last aforesaid shall constitute the capital of the branch bank of the state of Alabama, hereby established. Mr. Bibb moved that the bill together with the amendments lie on the table till the first day of the session of the next General Assembly, which was lost. yeas 6, nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Coats, Devereux, McCamy, Sullivan, Wood— 6.

Those who voted in the negative, are, Messrs. President, Casey, Conner, Crabb, Hopkins, M'Camy, Metcalf, Moore, Murphy, Shackelford, Smith, Taggart— 12.

Ordered, that the bill and amendment lie on the table, and that one hundred copies thereof be printed for the use of the Senate.

Mr. Casey called up a bill to be entitled an act to provide for the payment of slaves executed in pursuance of law. Mr. M'Camy offered the following amendment to the bill. And be it further enacted, that the slaves contemplated to be paid for this act shall not be so construed as to extend its benefits to the payment of slaves executed in pursuance of this act, when neither master nor slave is settled in this state. Mr. Sullivan moved to amend the amendment by adding in cases of rebellion or insurrection, or after the words, in pursuance of

this act, in the amendment which was carried. The question was then put on the adoption of the amendment offered by Mr. M'Camy and decided in the affirmative. Ordered, that the bill be made the order of the day for a 3d reading on Monday next. Mr. Taggart called up an engrossed bill to be entitled an act amendatory to the several laws now in force for the relief of insolvent debtors, the bill was then read a 2d time and passed. Ordered, that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

Mr. Conner offered the following resolution, Resolved, that a committee be appointed on the part of the Senate to act with such committee, as may be appointed in the House of Representatives to examine and report to each house, what bills now under the consideration of the General Assembly are essentially necessary to be passed at the present session, which was rejected. Mr. Moore from the committee on enrolled bills, Reported as duly enrolled an act to declare Beaver Creek in Wilcox county a public highway, and an act the more effectually to ensure the testimony of absent witnesses by interrogatories, which were accordingly signed by Mr. President.

Mr. Powell presented the account of Allen Roberts, which was referred to the committee on accounts and claims.

A bill to be entitled an act to amend an act to authorise Young A. Gray to convey certain real estate therein mentioned, passed December 30, 1823, was read the 3d time and passed. Ordered, that the secretary acquaint the House therewith, and the Senate adjourned till this evening at three o'clock.

Evening Session.

The following communication was received from the Governor by J. I. Thornton, Esq.

Gentlemen of the Senate and of the House of Representatives,

The resignation of Henry D. Stone, as judge of the county court of Covington county, was received during the recess of the General Assembly, and John W. Devereux was appointed to fill the vacancy, which executive appointment will expire at the end of our present session. I am very respectfully.

ISRAEL PICKENS.

Ordered, that the communication lie on the table.

A message from the House of Representatives by Mr. Murray their clerk— Mr .President, the House of Representatives have read three three times and passed bills originating in your house entitled, An act to alter the times of holding the county courts of Tuscaloosa, Bibb, Madison, Green, and St. Clair counties, and have amended the same in the following manner, to wit : in the 1st section and 5th line, after the word 'year,' by inserting the accompanying words ; also in the 1st section after the words 'January next, by inserting the accompanying words, and by two additional sections; they have also amended the title of the same : in which amendments they desire your concurrence,

They have also adopted the following resolution : Resolved that the Senate be invited to assembly in the representative hall for the purpose of electing twelve Trustees to the State University, agreeable to a joint resolution on that subject, and that the west end of the hall be appropriated to their reception.

Whereupon, on motion, the Senate repaired to the hall of the House

of Representatives, and after having taken the seats assigned them, Mr. President arose and announced the object of the meeting.

When the two Houses proceeded to the election of two Trustees of the state University from the first judicial circuit— William Crawford and James Dellett, Esqrs. being in nomination — the votes stood thus:

For Mr. Crawford 74— Mr. Dellett 74.

Those who voted for Mr. Crawford, are,

Mr. President	Smith	Cunningham	McVay	Pickett
Bibb	Sullivan Dale	McCord	Rather	
Casey	Taggart	Dickinson Mead	Ruffin	
Coats	Wood	Dinsmore Merriwether	Shackleford	
Conner	Mr. Speaker	Edmondson	Metcalf	Shotwell
Crabb	Abercrombie	Exum	Miller Skinner	
Devereux	Bagby	Farrar	Moore of M.	Tapscot
Hopkins	Barton	Fleming	Moore of Ma.	Tindall
McCamy	Baxter	Fluker	Moore of Mo.	Vining
Metcalf	Byler	Gaines	Morton	Weissinger
Moore	Camp	Green	Hill Oliver	Watson
Murphy	Coleman	Jones	Perkins	White
McVay	Cook	Lanier	Peyton	Worthington— 74.
Powell	Creagh	Mardis	Pickens of D.	
Shackleford	Crenshaw	Martin	Pickens of G.	

Those who voted for the James Dellett are those who voted for William Crawford. Whereupon Mr. Speaker declared William Crawford and James Dellett duly elected trustees of the University of the state of Alabama for the first judicial circuit for the next ensuing three years.

The two Houses then proceeded to the election of two trustees of the University of Alabama from the 2d judicial circuit— Bolling Hall and Dr. George Phillips, alone being in nomination— the votes stood thus: For Mr. Hall 74— for Mr. Phillips 74.

The Speaker thereupon declared Mr. Hall and Mr. Phillips duly elected trustees of the University of Alabama for the second judicial circuit. those who voted for Mr. Hall and Mr. Phillips are the same as those who voted for Mr. Crawford and Mr. Dellett.

The two Houses then proceeded to the election of two trustees of the University of Alabama for the third judicial circuit. Doct. Jack Shackleford, Hume R. Field, and Henry w. Collier being in nomination— the vote stood thus: For Mr. Shackleford 73, Mr .Field 51, Mr. Collier 21. Whereupon Mr. Speaker declared Mr. Shackleford and Mr. Field duly elected trustees of the University of Alabama for the third judicial circuit, for the ensuing three years.

Those who voted for Mr. Shackleford, are

Mr. President	Sullivan	Cunningham	McCord	Rather
Bibb	Taggart	Dale	Mead	Ruffin
Casey	Wood	Dickinson	Merriwether	Shackleford
Coats	Mr. Speaker	Dinsmore	Metcalf	Shotwell
Conner	Abercrombie	Edmondson	Miller	Skinner
Crabb	Bagby	Exum	Moore of J.	Tapscot
Devereux	Barton	Fleming	Moore of ma.	Tindall
Hopkins	Baylor	Fluker	Moore of mo.	Vining
McCamy	Baxter	Gaines	Morton	Watson
Metcalf	Byler	Green	Oliver	Weissinger
Moore	Camp	Hill Jones	Perkins	Worthington
Murphy	Coleman	Lanier	Peyton	White— 73.

McVay
Powell
Smith

Cook Mardis
Creagh Martin
Crenshaw McVay

Pickens of D.
 Pickens of G.
Pickett

Those who voted for Mr. Field, are

Mr. President	Mr. Speaker	Dickinson	Metcalf	Ruffin
Coats	Abercrombie	Dinsmore	Moore of J.	Shackleford
Conner	Bagby	Edmonson	Moore of ma.	Shotwell
Devereux	Barton	Exum	Moore of mo.	Skinner
Moore	Baylor	Fleming	Morton	Tapscot
Murphy	Baxter	Fluker	Oliver	Tindall
Powell	Camp	Cook Green	Perkins	Watson
Smith	Creagh	Hill Jones	Pickens of G.	Worthington
Sullivan	Crenshaw Mead	Pickett	Weissinger 51.	
Taggert	Dale	Merriwether	Rather	

Those who voted for Mr. Collier, are

Mr. Casey	Metcalf	Coleman	Martin	Peyton
Crabb	McVay	Cunningham	M'Vay	Pickens of D.
Hopkins	Wood	Gaines Lanier	M'Cord	Vining
McCamy	Byler	Mardis	Miller	Watson— 21.

The two houses the proceeded to the election of two trustees of the University of Alabama for the fourth judicial circuit. Nicholas Davis, Thomas Wooldridge, James Jackson, and Quin Morton being in nomination, the voted stood thus : For Nicholas Davis 73, Thomas Wooldridge 30, Mr. Jackson 18, Mr. Morton 27.

The speaker thereupon declared Nicholas Davis duly elected a trustee of the University of Alabama, from the 4th judicial circuit, for the ensuing three years. Those who voted for Mr. Davis, are

Mr. Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalfe, Moore, Murphy, McVay, Powell, Shackleford, Smith, Sullivan, Taggert Mr. Speaker Abercrombie, Bagby, Barton, Baylor, Baxter, Byler, Camp, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Dinsmore, Edmondson, Farrar, Fleming, Fluker, Gaines, Green, Hill, Jones, Lanier, Mardis, Martin, McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of mar. Moore of mon. Morton, Oliver, Parham, Perkins, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackleford, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington. 73.

Those who voted for Mr. Wooldridge are— Mr. Casey, Coats, Crabb, McCamy, Metcalfe, Moore, Murphy, Smith, Wood, Baylor, Crenshaw, Dinsmore, Edmondson, Exum, Farrar, Fluker, Martin, McCord, Merriwether, Metcalf, Moore of J. Moore of mar. Moore of mon, Parham, Perkins, Pickens of D. Pickens of G. Shackleford, Skinner, Vining— 30.

Those who voted for Mr. Jackson are— Mr. Conner, Hopkins, McVay, Shackleford, Sullivan, Taggert, Byler, Camp, Cunningham, Exum, Hill, Mardis, McVay, Mead, Miller, Pickett, Shotwell, Worthington— 18.

Those who voted for Mr. Morton are— Mr. Bibb, Devereux, Powell, Wood Mr. Speaker, Mr. Abercrombie, Bagby, Barton, Baxter, Coleman, cook, Dale, Dickinson, Fleming, Gaines, Green, Jones, Lanier, Oliver, Peyton, Rather, Ruffin Tapscot, Tindall, Watson, Weissinger, White— 27.

The two Houses then proceeded to the election of one other trustee of the University of Alabama from the fourth judicial circuit. Thomas Wooldridge and Quin Morton alone being in nomination, the vote stood thus: For Mr. Wooldridge 39, Mr. Morton 35.

Whereupon Mr. Speaker declared Mr. Wooldridge duly elected a trustee of the University of Alabama, from the 4th judicial circuit, for the ensuing three years. Those who voted for Mr. Wooldridge, are

Mr. Casey, Coats, Crabb, McCamy, Metcalf, Moore, Murphy, McVay, Smith Sullivan, Taggert, Wood, Baylor, Byler, Crenshaw, Dinsmore, Edmondson, ex-

um, Farrar, Hill, Mardis, Martin, McVay, McCord, Merriwether, Metcalf, Miller,
Moore of J. Moore of mar. Moore of mon. Parham, Perkins, Pickens of D. Pick-
ens of G. Pickett, Shackleford, Skinner, Vining, Worthington– 39.

P

Those who voted for Mr. Morton are— Mr. Bibb, Conner, Devereux, Hopkins, Powell, Shackelford, Mr. Speaker, Abercrombie, Bagby, Barton, Baxter Camp, Coleman, Cook, Creagh, Cunningham, Dale, Dickinson, Fleming, Fluker, Gaines, Green, Jones, Lanier, Mead, Oliver, Peyton, Rather, Ruffin, Shotwell, Tapscot, Tindall, Watson, Weissinger, White— 35.

The two Houses then proceeded to the election of two trustees of the University of Alabama from the fifth judicial circuit. Thomas Fearn and David Moore being alone in nomination, the votes stood thus: For Mr. Fearn 71, Mr. Moore 70. The Speaker thereupon declared Mr. Fearn and Mr. Moore duly elected trustees of the University of Alabama, from the fifth judicial circuit, for the ensuing three years. Those who voted for Mr. Fearn, are

Mr. President, Bibb, Casey, Coats, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Murphy, McVay, Powell, Shackelford, Smith, Sullivan, Taggart Wood, Mr. Speaker, Abercrombie, Barton, Baylor, Baxter, Byler, Camp, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Dinsmore, Edmondson, Exum, Farrar, Fluker, Gaines, Green, Jones, Lanier, Mardis, Martin McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Moore of Mon. Morton, Perkins, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington— 71.

Those who voted for Mr. Moore are the same as those who voted for Mr. Fearn except Mr. Morton, who voted blank.

The two Houses then proceeded to the election of two trustees of the University of Alabama from the sixth judicial district. Samuel W. Oliver and Clement C. Billingslea alone being in nomination, the votes stood thus: For Samuel W. Oliver 74, C. C. Billingslea 74.

The Speaker thereupon declared Samuel W. Oliver and Clement C. Billingslea duly elected trustees of the University of Alabama, from the sixth judicial circuit, for the ensuing three years.

Those who voted for Mr. Oliver are— Mr. President, Bibb, Casey, Coats Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Murphy, McVay, Powell, Shackelford, Smith, Sullivan, Taggart, Wood, Mr. Speaker, Abercrombie, Bagby, Barton, Baylor, Baxter, Byler, Camp, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Dinsmore, Edmondson, Exum, Farrar, Fleming, Fluker, Gaines, Green, Hill, Jones, Lanier, Mardis, Martin, McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of Mar. Moore of Mon. Morton, Parham, Perkins Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington— 74.

Those who voted for Mr. Billingslea are the same as those who voted for Mr. Oliver.

The elections having been completed, the Senate withdrew and returned to their own chamber, and Mr. President resumed the chair.

On motion, ordered that the Senate concur in the amendments made by the house of Representatives to the bill entitled an act to alter the time of holding the county courts of Tuscaloosa, Greene, and St. Clair counties. Ordered, that the secretary acquaint the House of Representatives therewith. Mr. Casey called the petition of Messrs. Gary and Norris, and the documents which accompanied the same. Ordered, that the same be referred to a special committee consisting of Messrs. Powell, Wood, and Mr. McCamy, to consider and report thereon, and then the Senate adjourned till Monday morning at ten o'clock.

Monday, Dec. 20, 1824.

The Senate met pursuant to adjournment.

Mr. Hopkins from the judiciary committee, to which was referred a bill to be entitled an act more effectually to ensure the accountability of public officers, by providing for the prompt settlement of public accounts, reported that it is inexpedient to pass the bill, which was concurred in.

A message from the Governor, by J. I. Thornton, Esq. secretary of State: Mr. President, I am instructed by the Governor to inform you that he did on the 18th instant approve and sign an act making bastards capable of inheriting and transmitting inheritance on the part of their mother ; and an act to alter and amend an act, passed Dec. 23, 1822, entitled an act to establish a public road from the house of John Gandy in Morgan county to Baltimore or Morgan's springs in Blount county, which originated in the Senate.

Mr. Hopkins from the judiciary committee, to which was referred a bill to be entitled an act giving additional remedy against constables, Reported the same as amended, which was concurred in. Ordered, that the bill be made the order of the day for a 3d reading tomorrow.

Mr. Hopkins from the same committee to which was referred a bill to be entitled an act to regulate the mode of taxing costs on appeals taken from the decision of justices of the peace to the circuit or county court, Reported the same as amended, which was concurred in. Ordered, that the bill be made the order of the day for a 3d reading tomorrow.

Mr. Hopkins from the same committee, to which was referred a bill to be entitled an act requiring bills of sale, deeds of gift, &c. in certain cases to be recorded, reported that it is inexpedient to pass the bill, which was concurred in. Mr. Bibb from the committee on propositions and grievances, to which was referred a bill to be entitled an act for the relief of Elijah Montgomery, & Henry Gunnison, reported the same without amendment. Mr. Bibb moved to strike the name of Hiram Shortridge from the bill, which was lost. Mr. McVay moved that the bill lie on the table till the first day of the next session of the General Assembly, which was carried. Yeas 9, Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Coats, Devereux, M'Camy, Metcalf, Moore, Murphy, M'Vay, Sullivan— 9.

Those who voted in the negative, are Mr. President, Bibb, Conner, Crabb, Hopkins, Shackelford, Smith, Wood— 8.

Mr. Casey from the special committee, to which was referred a bill to be entitled an act supplementary to, and amendatory of the laws now in force regulating the apportionment of auctioneers, and sales at auction, reported the same as amended, which was concurred in., Ordered, that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Coats obtained leave of absence for the remainder of the session on account of the indisposition of his family.

A bill to be entitled an act to provide for the payment of slaves executed in pursuance of law ; and an act to establish the boundary line between certain counties therein named, were severally read the 3d time and passed. Ordered, that the secretary acquaint the House of

Representatives therewith. The resolution prohibiting the introduction of new business, was dispensed with.

Mr. Wood obtained leave to introduce a bill to be entitled an act to legalize the proceedings of John B. Ayers, who lately exercises the office of sheriff in Jefferson county, which was read the first time. Ordered, that the bill be made the order of the day for a 2d reading on tomorrow.

And then the Senate adjourned till three o'clock this evening.
Evening Session.

Mr. Hopkins presented the petition of Thomas B. Tunstall, which was referred to a special committee, consisting of Messrs. Hopkins, and Shackleford, to consider and report thereon.

Mr. Murphy from the special committee, to which was referred a bill, to be entitled an act to authorise the location and sale of certain quarter sections of land granted by Congress to the several counties of this state for seats of justice, reported the same as amended, which was concurred in. Ordered, that the bill be made the order of the day for a 3d reading on tomorrow.

Mr. Taggart from the special committee, to which was referred a bill to be entitled an act to extend the time of payment of part of the public revenue of Washington county, reported the same as amended, which was concurred in. Ordered, that the bill be engrossed for a 3d reading on tomorrow.

The following communication was received from the Governor by J. I. Thornton, esq. secretary of state :

EXECUTIVE DEPARTMENT, December 20, 1824.

Gentlemen of the Senate and of the House of Representatives,

I have received the resignation of Alexander Pope, esq, who was recently elected a director of the Bank of the state : I lay before you a copy of his letter of resignation ; and a copy will be also laid before the board of Directors of the Bank of the state, who will no doubt proceed to fill the vacancy in conformity to the 6th fundamental rule contained in the 9th section of the charter, should no other disposition be made by the General Assembly. I am very respectfully,

ISRAEL PICKENS.

Ordered that the communication lie on the table.

The Resolution prohibiting the introduction of new business, being suspended, Mr. Powell introduced a bill to be entitled an act to alter the time of holding the county courts of Tuscaloosa, Bibb, Madison, Greene and St. Clair counties, which was read the 1st time ; the rule requiring all bills to be read on 3 several days being dispensed with, the bill was read the 2d and 3d tie forthwith and passed. Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

Mr. Shackleford offered the following resolution, Resolved by the Senate that with the consent of the House of Representatives, the General Assembly of the state of Alabama will adjourn sine die on Wednesday next : on motion, ordered that the resolution lie on the table.

Mr. Wood called up a bill to be entitled an act concerning county tax; on motion ordered that said bill be referred to a special committee, consisting of Messrs. Wood, Conner and McCamy.

Message from his excellency the Governor by J. I. Thornton, Esq. day secretary of state, as follows : Mr. President, the Governor did this approve and sign, an act to declare Beaver creek in Wilcox county a

public highway ; an act for the relief of George A. Glover assessor and tax collector of Lawrence county for the year 1823 ; An act to divide the 32d regiment of the militia of this state ; Resolution providing for the further distribution of the statute laws of the state of Alabama ; An act regulating proceedings on penal bonds ; An act for the emancipation of slaves George & Sarah ; An act to authorise judges of the county courts to practice law out of the county in which they may reside ; An act concerning public roads in the county of Montgomery ; An act authorising executors, & c. to relinquish lands under act of Congress of the 18th of May, 1824 ; An act to apportion the Representatives among the several counties in this state and divide the state into Senatorial districts according to the late census ; and, an act to establish a certain county therein named and for other purposes, all of which originated in the Senate.

Mr. Moore called up a bill to be entitled an ac to establish an office of discount & deposite of the Bank of the state of Alabama ; Mr. Bibb moved that the bill together with the amendment offered by Mr. Hopkins, lie upon the table till the first day of March next, which was lost. Yeas 4— Nays 14.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Bibb, Devereux, Sullivan, Wood—4. Those who voted in the negative are, Mr. President, Casey, Conner, Crabb, Hopkins, McCamy, Metcalf, Moore, Murphy, M'Vay, Powell, Shackelford, Smith, Taggert — 14.

Ordered that the bill lie on the table.

And then the Senate adjourned till tomorrow morning at 10 o'clock.

Tuesday, Dec. 21, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Murray their clerk : Mr. President, I am instructed by the House of Representatives to inform your honorable body that they insist on their disagreement to the amendment made by your honorable body to the bill entitled an act to regulate the sale of slaves by constables, by striking out the word ten in the 2d section, and inserting the word twenty ; they agree to the amendment made by your honorable body to the bill entitled an act to provide for the raising of a fund for the support of an academy and a hospital in the county of Baldwin ; they also concur in the amendments made by your honorable body to the bill entitled an act to repeal in part an act regulating the fees of justices, constables and lawyers and to ascertain the fees, that said officers are hereafter to receive ; and An act for the relief of Cyrus Sibley and James L. Seabury, securities of Henry Wheat ; they have read three times and passed bills originating in your honorable body of the following titles, to wit : An act to alter the time of holding the county courts of Tuscaloosa, Bibb, Madison Green and St. Clair counties ; An act to amend an act entitled an act to establish a public road from Ditto's landing to Marston Mead's in Blount county, passed Dec. 30, 1822 ; An act to provide for the payment of the interest on the loan obtained for the euse of the state ; An act to amend an act authorising Edwin Lewis to open and construct a road in Mobile county and for other purposes, passed Dec. 18, 1821; An act to alter and amend an act authorising the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile ; and an act to provide for the transfer of stock issued by the state and for the renewal of lost certificates thereof ;

they have also read three times and passed bills originating in their House entitled an act for the better organization of the militia of this state ; An act to amend the 1st section of an act entitled an act amendatory of the laws now in force for the relief of insolvent debtors ; An act to incorporate the Spring creek navigation company ; An act more effectually to secure the revenue accruing to the state for licenses granted by the clerks of the county courts ; An act to emancipate Gamaliel a slave ; An act for the relief of John J. Burton and Holt ; An act making appropriations for the year 1825 ; An act to alter the time of holding the next circuit court of Lawrence county ; and, An act to raise a revenue for the support of Government until otherwise provide for by law ; in all of which they desire your concurrence.

Mr. Powell from the committee of accounts & claims to which was referred the account of Wm. Gary, Reported that it is inexpedient to allow the said account, it not being established in the manner pointed out by an act entitled an act prescribing the mode of making out & authenticating accounts against this state, which was ordered to lie table.

Mr. Murphy from the committee on the state Bank, Reported a resolution to authorise the President and Directors of the Bank of the state of Alabama to build a fire proof vault for said Bank, which was read the first time, and ordered to be read a 2d time tomorrow.

Mr. Hopkins from the special committee to which was referred the petition of Thomas B. Tunstall, Reported a bill to be entitled an act for the relief of Thomas B. Tunstall, which was read the 1st time, and ordered to be read the 2d time tomorrow.

The Resolution prohibiting the introduction of new business being suspended, Mr. Wood introduced a bill to be entitled an act providing for the establishment of the seat of justice in the county of Walker, which was read the 1st time ; the rule requiring bills to be read on three several days being dispensed with, said bill was read the 2d time forthwith, and referred to the committee on county boundaries to consider and report thereon.

A bill from the House of Representatives entitled an act making appropriations for the year 1825 was read the 1st time, the rule requiring all bills to be read on three several days was dispensed with and the bill was read the 2d time forthwith; Mr. Bibb offered the following amendment to said bill, And be it further enacted that the sum of ten thousand dollars be and the same is hereby set apart as a contingent fund, subject to the Governor's draft, which was adopted ; ordered that the bill lie on the table.

A bill to be entitled an act to alter the time of holding the next circuit court of the county of Lawrence, was read the 1st time, the rule requiring bills to be read on three several days was dispensed with, and the bill was read the 2d time forthwith, & ordered to lie on the table.

A bill to be entitled an act to raise a revenue for the support of government until otherwise provide for by law, was read the 1st time, the rule which requires bills to be read on three several days was suspended, the bill was read a 2d time forthwith, and ordered to be committed to committee of the whole house, and made the order of the day for tomorrow.

On motion, ordered that the Senate adhere to their amendment to the bill entitled an act to regulate the sale of slaves by constables, by

striking out the word ten and inserting twenty ; Ordered that the secretary acquaint the House therewith.

A bill to be entitled an act more effectually to secure the revenue accruing to the state from licenses granted by the clerks of the county courts, was read the 1st time, the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time, and ordered to lie on the table.

A message from the House of Representatives by Mr. Dodson : Mr. President, the House of Representatives have read three times and passed a bill originating in their house entitled an act supplementary to and amendatory of, the laws relating to executors and administrators and for other purposes, in which they desire your concurrence.

A bill to be entitled an act incorporating the Spring creek navigation company, was read the 1st time, the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time and referred to the committee on inland navigation to consider and report thereon.

A bill to be entitled an act to amend the 1st section of an act amendatory to the laws now in force for the relief of insolvent debtors, passed June the 15, 1821; An act to provide for the better organization of the militia of this state ; and an act to emancipate Gamaliel a slave, were severally read the 2d time, and ordered to be read the 3d time tomorrow.

A bill to be entitled an act for the relief of John J. Barton and Holt, was read the 1st time , the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d forthwith and referred to the committee of accounts and claims, to consider and report thereon.

A bill to be entitled an act supplementary to, and amendatory of, the laws relating to executors and administrators, and for other purposes, was read the first time. The rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time and referred to the committee on the judiciary.

Mr. Powell offered the following resolution, Resolved, that with the concurrence of the House of Representatives, the members of the two Houses will convene in the representatives hall on Thursday evening next, at half past six o'clock, for the purpose of electing judges for the counties of Fayette and Covington, which was adopted. Ordered, that the secretary acquaint the House therewith.

Mr. Murphy introduced a memorial to the Congress of the United States, respecting the sale of relinquished lands, which was read the first time and ordered to be read the 2d time tomorrow.

Mr. Powell introduced a bill to be entitled an act supplemental of, and amendatory to, an act entitled an act to revise, consolidate, and amend the several acts relative to justices of the peace and constables, passed December 27, 1824, and for other purposes, which was read a first time ; the rule requiring bills to be read on three several days was dispensed with, and the bill was read the 2d time forthwith, and referred to the judiciary committee.

Mr. Moore called up a bill to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama ; the question was put on the adoption of the amendment proposed by Mr.

Hopkins to the bill on the instant, by striking out the second section and inserting one in lieu thereof, and determined in the negative Yeas 7, Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Bibb, Conner, Hopkins, M'Vay, Powell, Smith—7.

Those who voted in the negative, are Messrs. Casey, Crabb, Devereux, M'Camy, Metcalf, Moore, Murphy, Shackelford, Sullivan, Taggert, Wood— 11.

Ordered, that the bill be committed to committee of the whole house and made the order of the day for tomorrow.

Mr. Hopkins from the special committee to which was referred the petition of Peter Wyatt, reported a bill to be entitled, an act for the relief of Peter Wyatt, which was read the first time and ordered to be read the second time on tomorrow.

Bills to be entitled, An act supplementary to, and amendatory of the laws now in force regulating the appointment of auctioneers and sales at auction ; An act giving additional remedy against constables ; An act regulating the mode of taxing costs on appeals taken from the decision of justices of the peace to the circuit and county courts ; and An act authorising the location and sale of certain quarter sections of land granted by Congress to the several counties of this state, for seats of justice, were severally read the third time and passed. Ordered, that the secretary acquaint the house of representatives therewith.

An engrossed bill to be entitled, an act to extend the time of payment of part of the public revenue of Washington county, was read the third time and passed. Ordered that the title of the bill be as aforesaid, and that the same be sent to the house of representatives for concurrence. And then the Senate adjourned till 3 o'clock this evening.

Evening Session.

Mr. Powell from the committee on enrolled bills reported as correctly enrolled, an act to alter the time of holding the county courts of Tuscaloosa, Bibb, Madison, Greene, and St. Clair counties, which was accordingly signed by Mr. President.

A bill to be entitled an act to legalize the proceedings of John B. Ayres, who lately exercised the office of sheriff in Jefferson county, was read the second time and ordered to be engrossed for a third reading on tomorrow.

Mr. Hopkins called up a bill to be entitled an act to alter the time of holding the next circuit court in Lawrence county ; the rule requiring bills to be read on three several days being dispensed with the bill was read the 3d time and passed Ordered that the secretary acquaint the house therewith.

Mr. Taggert obtained leave to introduce a resolution for the relief of Samuel Fresby, which was read the first time. The rule requiring all joint resolution to be read on three several days being dispensed with, the resolution was read a second time and referred to a special committee, consisting of Messrs. Taggert, Murphy and Devereux, to consider and report thereon.

And then the Senate adjourned till tomorrow at 10 o'clock.

Wednesday, Dec. 22, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Murray their clerk : Mr. President, the House of Representatives have directed me

to inform your honorable body, that they have read three time and passed bills originating in their house of the following titles, to wit: An act to incorporate the Montgomery light infantry company ; An act to alter and amend the law concerning retailers ; An act to establish an additional election precinct in the county of Lawrence ; An act to authorise the county court of Bibb county to appoint some person to transcribe certain records of said court, and for other purposes ; An act authorising Isaac Pugh to transfer certain real estate therein named ; An act to emancipate to the mulatto girl Margaret a slave of James Johnson of Mobile county ; An act to exempt persons from working on a certain state road a greater distance from their places of residence than if the same were a county road ; an act to establish a certain road therein mentioned ; an act to authorise the administrator of Cadwallader Lucy, deceased, to sell and convey certain certificates of land upon which the first payment only has been made ; an act to repeal in part an act entitled an act to abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned, passed Dec. 17, 1821, and for other purposes ; An act to establish certain election precincts therein named ; An act amendatory to an act entitled an act to establish a public road from the south boundary line of township 8, in range 4 or 5 west of the basis meridian of Huntsville to the Falls of Tuscaloosa, passed Dec. 1820 ; An act making an appropriation for Thomas B. Childress; and, an act in regulating elections; in all of which they desire your concurrence. They have read three times and passed bills originating in your honorable body, of the following titles, to wit: An act giving further time in which executions shall be made returnable, which issued by justices of the peace from one county to another, and an act to establish certain election precincts therein named ; which latter they have amended by an additional section; and in which amendment they most respectfully desire your concurrence.

Mr. Hopkins from the judiciary committee to which was referred a bill to be entitled, an act supplemental of, and amendatory to, an act entitled an act to revise and consolidate and amend the several acts relative to justices of the peace and constables, passed Dec. 27, 1818, and for other purposes; reported the same as amended, which was concurred in . Ordered that the bill be engrossed for a 3d reading tomorrow.

Mr. Shackelford from the committee on inland navigation to which was referred a bill to be entitled ; an act to incorporate the Spring creek navigation company; reported the same without amendment; the bill was then read the 3d time and passed. Ordered that the secretary acquaint the House therewith.

Mr. Powell from the committee on accounts and claims, to which which was referred a bill to be entitled, an act for the relief of J. J. Burton and Holt, reported the same as amended, which was concurred in. On motion, ordered that the blank in the title of the bill relating to Mr. Holt's christian name be filled with Stephen. Ordered that the bill be read the 3d time tomorrow.

Message from the Governor by Mr. Thornton : Mr. President, the Governor did on the 21st inst. approve and sign, An act to alter the time of holding the county courts of Tuscaloosa, Bibb, Madison, Greene, and St. Clair counties, which originating in the Senate.

Mr. Sullivan from the special committee to which was referred so

much of the Governor's message as relates to the African slaves lately ordered by the district court of the United States in this state to be sold, and for other purposes, which was read the 1st time ; the rule requiring bills to be read on three several days was dispensed with, and the bill was read the 2d time forthwith, and ordered to be engrossed for a 3d reading tomorrow.

Mr. Murphy from the committee on the state bank, reported a bill to be entitled, an act explanatory of, and supplemental to, the act to establish the bank of the state of Alabama, which was read the first time; the rule requiring bills to be read on three several days was dispensed with, and it was read the 2d time forthwith. Mr. Moore offered the following amendment to the bill:

"Sec. And be it further enacted, That all vacancies that may happen, in the Board of Directors during the session of the Legislature shall be filled by joint vote as in other cases, and that all vacancies which have occurred in said Board during the present session of the General Assembly, shall be filled by joint vote of the General Assembly, before the end of the present session, any law to the contrary notwithstanding, which was adopted.

The rule requiring bills to be read on three several days being further dispensed with, the said bill was read the 3d time and passed.— Ordered that the title be aforesaid and that the same be sent to the House of Representatives for concurrence.

Mr. Crabb from the committee on county boundaries to which was referred a bill to be entitled an act providing for the establishment of the seat of justice in the county of Walker, Reported that as the county of Walker was so lately established, and including so extensive a tract of country not yet settled, which will in the opinion of your committee in some reasonable time be settle, and the probability that there will in a short time be alterations made in its boundaries, and a very great increase in its population in some parts of that county, which might render the selection of the permanent seat of justice at this time inexpedient, they beg leave to recommend the adoption of the following resolution, Resolved that it is inexpedient to pass the bill, which was concurred in. Yeas 12— nays 4.

The yeas and nays being desired, on the question to concur in said report, those who voted in the affirmative, are, Mr. President, Conner, Crabb, Deveaux, Hopkins, Metcalf, Moore, Powell, Shackelford, Smith, Sullivan, Taggart— 12. Those who voted in the negative are, Messrs. Casey, McCamy, McVay, Wood— 4. So the report was concurred in.

Mr. Moore from the committee on enrolled bill, Reported a correctly enrolled, an act amendatory to an act concerning divorce, passed Dec. 1820 ; An act for rendering the decision of civil causes, more speedy and less expensive than heretofore ; An act pointing out the manner by which the streets in the town of Greensborough shall be opened and kept in good order ; An act to provide for the opening and keeping in repair a certain road therein described ; An act to repeal an act entitled an act to establish regulate justices' courts in this state, passed 30 Dec. 1823 ; An act to establish a certain county therein named and for other purposes ; An act for changing the compensation of the judge of the county court of Mobile county, and for other purposes therein mentioned ; An act to alter and establish the boundary lines between certain counties therein named ; An act to incorporate the Minette bridge company ; An act the better to provide for the punish-

ment of escapes ; An act to exempt the citizens of the town of Elyton in Jefferson county, and the town of Sommerville in Morgan county, and the town of Tusculumbia in Franklin county from working on any road beyond, the limits of said towns ; An act to authorise Armstrong Mitchell, executor, & Elizabeth Averett, executrix, of the last will and testament of Benjamin Averett, deceased, to transfer certain real estate ; Joint Resolution in relation of Major General Lafayette; An act to authorise the representatives of Malachi Gould, deceased, to sell certain real estate and for other purposes ; An act providing for an extra term of the circuit court of Mobile and Baldwin counties ; Joint Resolution authorising the comptroller to issue his warrant in favor of Edward Herndon for services as assistant adjutant-general An act authorising and empowering the school commissioners of the 16th section, 4th township and 7th range in the district of lands sold at Huntsville to lease a small part thereon for the purpose of having a mill thereon ; An act to repeal in part and amend an act passed Dec. 17, 1823, authorising Matthew Harbeson, administrator of Samuel Harbeson, deceased, to make conveyance of a certain tract of land therein named ; An act to alter the place of selling lands and negroes by the sheriffs of Bibb and Tuscaloosa counties in certain cases ; and, An act to amend an act entitled an act to authorise Young a. Gray to convey certain real estate therein mentioned, passed Dec. 30, 1823 ; all of which were accordingly signed by Mr. President.

On motion, Ordered that the Senate concur in the amendment made by the Houses of Representatives to the bill entitled an act to establish certain election precincts therein named. Ordered that the secretary acquaint the House of Representatives therewith.

A bill from the House of Representatives entitled an act to establish a certain road therein mentioned, was read the 1st time, the rule requiring all bills to be read on three several days being dispensed with, the said bill was read the 2d forthwith, and the rule being further dispensed with, said bill was read the 3d time forthwith and passed. Ordered that the secretary acquaint the House of Representatives therewith.

The following communication was received from the Governor, by J. I. Thornton, esq. secretary of state.

EXECUTIVE DEPARTMENT, December 22, 1824.

Gentlemen of the Senate and of the House of Representatives,

I have received letters from Thomas H. Wiley and David White, Esquires, notifying that they decline the appointment conferred on them by the General Assembly as Directors of the State Bank. I have thought it not only most fit, but also mos consistent with the wished of the acting Directors, to submit all cases of vacancy happening during your session, to the Legislature.

I am, respectfully, &c. ISRAEL PICKENS.

Ordered that the communication lie on the table.

A bill to be entitled an act authorising the county court of Bibb county to appoint some person to transcribe the records of said court and for other purposes, was read the 1st time, the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time, an ordered to lie on the table.

A bill to be entitled an act to establish an election precinct in the county of Lawrence, was read the 1st time, the rule requiring bills to be read on three several days being dispensed with, the bill was read

the 2d time forthwith : Mr. Wood offered the following amendment to said bill : Sec. And be it further enacted that an additional election precinct be establish at the house of Moses Barton in Walker county, which was adopted : Mr. Taggert offered the following amendment to the bill : And be it further enacted, that the election precinct established at Mobile point, be, and the same is hereby discontinued, and that in lieu thereof, a precinct be, and the same is hereby established at the house of Augustus Lacoste on Bon secure, which was adopted. The rule being further dispensed with, the bill was read the 3d time, as amended, and passed.

A message from the house of representatives by Mr. Murray their clerk: Mr. President, the house of representatives have read three times and passed bills originating in their house, entitled an act exempting the inhabitants of the town of Claiborne in Monroe county, for working on roads beyond the limits of said town ; An act to exempt the members of the Neptune fire companies No. 1 & 2, of the city of Mobile from militia and patrol duty, and for other purposes ; An act to establish a road from the town of Montvallo to the town of Greensboro ;' An act to compensate James Pugh for carrying returns of the election for brigadier general from Pike county to Cahawba, in which they desire your concurrence. They have also read a 3d time and passed bill originating in your honorable body, entitled, an act to authorise the judge of the 2d judicial circuit to hold an intermediate court in Blount county for the purposes therein mentioned. They concur in the amendments made by your honorable body to the bill, entitled, an act to provide for the payment of slaves executed in pursuance of law.

Bills from the House of Representatives, entitled an act to alter and amend the laws concerning retailers.

An act to incorporate the Montgomery light infantry company; An act to exempt the members of the Neptune fire companies Nos. 1 & 2 from militia and patrol duty, and for other purposes ; And an act authorising Isaac Pugh to transfer certain real estate therein named, were severally read the first time. The rule requiring bills to be read on three several days was dispensed with, and said bills were severally read on the 2d time, and ordered to be read the 3d time on tomorrow.

A bill to be entitled an act to compensate James Pugh for carrying the returns of the election of brigadier general from Pike county to Cahawba, was read the first time, the rule requiring bill to be read on three several days, being dispensed with, the bill was read the 2d time and referred to the committee on accounts and claims.

A bill to be entitled an act to establish a road from the town of Montevallo to the town of Greensborough, was read the first time. The Rule requiring all bills to be read on three several days was dispensed with, and said bill was read the 2d time forthwith and ordered to lie on the table.

A bill to be entitled an act exempting the inhabitants of the town of Claiborne from working on roads beyond the limits of said town was read the first time. The rule requiring bills to be read on three several days being dispensed with, the said bill was read the 2d and 3d time and passed, Ordered that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to emancipate the mulatto girl Margaret

the slave of James Johnston, was read the first time, and ordered to be read the 2d time tomorrow.

A bill to be entitled an act to exempt persons from working on a certain state road at a greater distance for their place of residence, than if the same was a county road, was read the first time. The rule requiring bills to be read on three several days being dispensed with, the bill was read a 2d time and referred to the committee on roads, bridges, and ferries, to consider and report thereon.

A bill to be entitled an act to authorise the administrator of Cadwallader Lucy, deceased, to sell and convey certificates of land upon which one payment only has been made, was read the first time. The rule &c. being dispensed with, the bill was read the 2d time and ordered to lie on the table.

Mr. Shackleford called up a bill to be entitled slaves to establish a road from the town of Montevallo to the town of Greensborough. The bill was amended on Mr. Powell's motion, and the rule requiring bills to be read on three several days being further dispensed with, was read the third time and passed. Ordered, that the words and for other purposes be added to the title, ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to repeal in part an act entitled an act to abolish the fictitious proceedings in ejectment and for other purposes therein mentioned, passed Dec. 16, 1821, and for other purposes, was read the first time. The question was the put, shall this bill be made the order of the day for a 2d reading tomorrow, and determined in the negative.

Bills from the House of Representatives to be entitled an act to establish certain election precincts therein named; And an act supplemental of, and amendatory to, an act entitled an act to establish a public road from the southern boundary line of township eight, in range four or five west, of the basis meridian of Huntsville to the Falls of Tuscaloosa, passed Dec. 1820, were severally read the first time. The rule requiring bills to be read on three several days being dispensed with, the said bills were read the 2d and 3d time and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act making an appropriation for Thomas B. Childress, was read the first and 2d time, and referred to the committee on accounts and claims.

A bill to be entitled an act regulating elections, was read the first time and laid on the table.

A message was received from the Governor, by Mr. Thornton, informing the Senate that he did on the 20th instant approve and sign an act the more effectually to ensure the testimony of absent witnesses by interrogatories.

A bill to be entitled an act to emancipate Gamaliel, a slave, was read the 3d time. Mr. Powell offered an amendment to the bill by way of rider, authorising Humphrey Buck to emancipate two slaves, which was rejected. The question was then put, shall the bill pass, and determined in the affirmative. Yeas 15, Nays 3.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Casey, Conner, Crabb, Devereux, Hopkins, McCamy, Moore, Murphy, McVay, Powell, Shackleford, Smith, Sullivan, Taggert— 15

Those who voted in the negative are Messrs. Bibb, Metcalfe, and Wood— 3.
Ordered, that the secretary acquaint the House therewith.

A bill to be entitled an act for the better organization of the militia of this state, and an act to amend the first section of an act entitled an act amendatory to the laws now in force for the relief of insolvent debtors, passed June 15, 1821, were severally read the 3d time and ordered to lie on the table.

An engrossed bill to be entitled an act to legalize the proceedings of John B. Ayers, who lately exercised the office of sheriff in Jefferson county, was read the 2d time, and on the question shall the bill pass, it was decided in the negative. Yeas 8, Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Casey, Conner, Crabb, McCamy, Murphy, M'Vay, Taggert, and Wood—8. Those who voted in the negative, are Mr. President, Bibb, Devaux, Hopkins, Metcalfe, Moore, Powell, Smith— 8.

Mr. Casey called up a bill to be entitled an act for the better organization of the militia of this state. Ordered, that it be referred to the military committee, and then the Senate adjourned till three o'clock this evening.

Evening Session.

A bill to be entitled an act for the relief of Thos. B. Tunstall, was read the 2d time. Mr. Crabb moved to amend the bill by inserting the name of Charles Gillespie so as to relieve him from the operation of the act, to suppress duelling. Mr. Murphy moved that the bill and amendment lie on the table till the first day of the next session, which was lost. Yeas 8, Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Casey, Devereux, McCamy, Metcalf, Murphy, McVay, Sullivan and Wood— 8. Those who voted in the negative, are, Mr. President, Bibb, Crabb, Hopkins, Moore, Powell, Shackelford, and Taggert— 8.

The question was then put on the adoption of Mr. Crabb's amendment and lost. Yeas 8. Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Crabb, Devereux, M'Camy, Metcalf, Murphy, Shackelford, Sullivan—8. Those who voted in the negative, are Mr. President, Bibb, Hopkins, Moore, M'Vay, Powell, Taggert, and Wood— 8.

Ordered, that the bill be engrossed and made the order of the day for the 3d reading on tomorrow.

A message was received from the House of Representatives by Mr. Dodson, informing the Senate that they concur in the resolution proposing to go into the election of Judges of the county courts of Covington and Fayette on to-morrow evening at six o'clock.

The Senate according to order, resolved itself into committee of the whole on the bill to be entitled an act to raise a revenue for the support of government until otherwise provided for by law— Mr. Powell in the chair, and after some time spent in the consideration thereof, the committee rose, Mr. President resumed the chair, and Mr. Powell reported the same with sundry amendments, which were concurred in. Mr. Casey moved that the bill lie on the table until to-morrow, which was lost.

Mr. Crabb offered the following amendment to the bill, and on all public ferries to be assessed in the county wherein the same may be established dollars, which was rejected. Mr. Casey moved to

amend the bill by striking out thirty seven and a half cents, the amount of the poll tax, with a view of inserting fifty cents in lieu thereof, which was lost. Ordered, that the bill be made the order of the day for a 2d reading on tomorrow.

On motion of Mr. Moore, ordered that the committee of the whole, be discharged from the consideration of the bill, to be entitled an act to establish an office of discount and deposit of the bank of the state of Alabama. Ordered, that it be referred to the committee on the state bank. And the Senate adjourned till tomorrow at 9 o'clock.

Thursday, December 23, 1824.

The Senate met pursuant to adjournment.

Mr. Casey from the committee on roads, bridges and ferries, to which was referred a bill to be entitled, slaves to exempt persons from working on a certain state road at a greater distance from their places of residence than if the same was a county road, Reported the same without amendment. The bill was then read the 3d time and passed. Ordered, that the secretary acquaint the House therewith.

Mr. Powell from the committee on accounts and claims to which was referred a bill to be entitled, an act making an appropriation for Thomas B. Childress, reported the same without amendment. Ordered that the bill be made the order of the day for a 3d reading tomorrow.

Mr. Wood from the military committee to which was referred a bill to be entitled, an act for the better organization of the militia of this state, reported that they believe it inexpedient to pass the bill at this time, no satisfactory reasons being before your committee to prove that it would promote the general interest of the militia of this state ; which was concurred in. Yeas 10, Nays 8.

The yeas and nays being desired on the question to concur, those who voted in the affirmative, are— Mr President, Bibb, Devereux, McCamy, Murphy, McVay, Powell, Shackelford, Taggart, Wood— 10.

Those who voted in the negative, are, Mr. Casey, 'Conner, Crabb, Hopkins, Metcalf, Moore, Smith, Sullivan— 8.

Mr. Powell from the committee on accounts claims, to which was referred a bill to be entitled, an act to compensate James Pugh for carrying the returns of the election of brigadier general from Pike county to Cahawba, reported the same without amendment. Ordered that the bill be read the 3d time tomorrow.

Mr. Powell from the same committee to which was referred the petition and account of James C. Ervin, late assessor and tax collector of Wilcox county, reported that as the committee have not been furnished with such vouchers as would authorise the admission of the same, they ask permission of the House to be discharged from the further consideration of the same, which was granted. Ordered, that the petition and account lay on the table. Mr. Bibb from the committee on enrolled bill, reported as duly enrolled, slaves to amend an act, entitled an act to prevent the frauds and fraudulent combinations in the sales of public lands within this state at Huntsville on the 17th of Dec. 1819 ; An act supplemental to an act, entitled an act to authorise an extra term of the circuit court of mobile, and Baldwin counties, passed during the present session of the General Assembly ; An act to provide for the raising of a fund for the support of an academy and n hospital in the county of Baldwin ; An act to repeal in part and amend an act entitled an act to incorporate the Murder Creek

navigation company, passed 15th Dec. 1821, and for other purposes ; An act altering the sale days of lands, and slaves in parts of the counties, of Lawrence and Franklin ; An act concerning prisons and prisoners ; and an act for improving the navigation of the port and harbor of Mobile, all of which were accordingly signed by Mr. President

Mr. Wood introduced a joint resolution proposing to adjourn the two branches of this legislature sine die, on tomorrow evening; which was read the 1st time ; Mr. Moore moved that the resolution lie on the table for the present, which was carried. Yeas 10, Nays 6.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Crabb, Devereux, Hopkins, McCamy, Moore, McVay, Powell, Smith, Taggart— 10. Those who voted in the negative, are Messrs. Casey, Conner, Metcalf, Shackelford, Sullivan, Wood— 6.

Mr. McCamy presented the account of William Kelly, which was referred to the committee on accounts and claims. Ordered, that the resolution lie on the table. Mr. Taggart from the special committee, to which was referred a resolution for the relief of Samuel Frisbie, reported the same without amendment. Ordered, that the resolution lie on the table.

Message from the House of Representatives by Mr. Murray, their Clerk : Mr. President, the house of Representatives have adopted the following Resolution, to wit : Resolved, that the House of Representatives, with the consent of the senate, will proceed this evening at 6 o'clock, to elect three Directors for the State Bank in the place of Alexander Pope, resigned, and David White and Thomas H. Wiley, who have declined the appointment ; and also, a member of the Medical Board for the city of Mobile ; in which they desire your concurrence.

Mr. Murphy, from the committee on the State Bank, to which was referred a bill to be entitled, an act to establish an office of discount and deposit of the Bank of the State of Alabama, reported the same with sundry amendments ; all of which were concurred in, except the last. The question was then put in concurring in the last amendment, which is as follows : and be it further enacted, that the said office of discount and deposit shall not commence operation before the first day of April next. and decided in the negative— Yeas 6— Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Mr. Casey, Murphy, Smith, Sullivan, Taggart, Wood— 6. Those who voted in the negative, are, Mr. President, Bibb, Conner, Crabb, Devereux, Hopkins, McCamy, Metcalf, Moore, McVay, Powell, Shackelford— 12. Mr. Sullivan moved to amend the bill by striking out the words “or secured by deposit of bank or other public stock, at not more than two thirds of this value,” where the bill reads thus: “they shall discount notes made payable and negotiable at said office of discount and deposit, with two or more good names thereon, or secured by a deposit of bank or other public stock” &c. which motion was determined in the affirmative— Yeas 13— Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Casey, Crabb, Devereux, McCamy, Metcalf, Murphy, McVay, Powell, Smith, Sullivan, Taggart, Wood— 13. Those who voted in the negative are, Mr. Bibb, Conner, Hopkins, Moore, Shackelford— 5. Mr. Casey moved to amend the bill by inserting the words “so soon as they can do so with safety to the Bank,” after the word “establish,” in the second session of the bill, where it reads thus : that the President and Directors of the Bank of the State of Alabama be, and they are hereby authorised and required in behalf of the state to set apart and supply the office of discount and deposit hereby established, the amount of notes of the Bank of the state of Alabama, which the Counties of Madison, Jackson, &c. will be entitled to receive by discount, &c. which motion was

determined in the negative—Yeas 9— Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Mr. Casey, Devereux, McCamy, Metcalf, Murphy, Smith, Sullivan, Taggart and Wood— 9. Those who voted in the negative are, Mr. President, Bibb, Conner, Crabb, Hopkins, Moore, McVay, Powell, Shackelford— 9. Mr. Smith moved that the further consideration of the bill be postponed till the first day of the next session; which was lost— Yeas 7— Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are Mr. Bibb, Hopkins, McVay, Smith, Sullivan, Taggart, Wood— 7. Those who voted in the negative are, Mr. President, Casey, Conner, Crabb, Devereux, McCamy, Metcalf, Moore, Murphy, Powell, Shackelford— 11. The rule requiring bills to be read on three several days being dispensed with, the said bill was read the third time as amended, and the second section thereof, further amended by way of rider on Mr. Murphy's motion, as follows : Provided, that until the office of discount and deposite shall go into operation, the people of the said counties shall be entitled to receive discount at the Bank of the State of Alabama and when the said office shall go into operation, the President and Directors as aforesaid, shall transfer to the said office the balance which the said counties may be entitled to receive by discount, and also transfer the notes discounted for the said counties to the said office to be received or collected, or otherwise disposed of, as if the same had been discounted at said office of discount and deposite. The question was then put, shall the bill pass? and decided in the negative— Yeas 9— Nays 9.

The yeas and nays being desired, those who voted in the affirmative are, Mr. Casey, Conner, Crabb, McCamy, Metcalf, Moore, Murphy, Powell, shackelford— 9. Those who voted in the negative are, Mr. President, Bibb, Devereux, Hopkins, McVay, Smith, Sullivan, Taggart, Wood— 9. So the bill was rejected.

A message from the House of Representatives by Mr. Murray, their clerk:— Mr. President, the House of Representatives, have read three times and passed, a bill which originated in your honorable body, to be entitled an act to alter the time of appointing overseers of roads, and for other purposes ; and have amended the same as is herewith shewn. The House of Representatives recede from their disagreement to the amendment proposed by your honorable body to the second section of a bill to be entitled an act to regulate the sale of slaves by constables, by striking out the word ten, and inserting twenty.

The House of Representatives concur in the amendment made by your honorable body, to the bill to be entitled an act giving additional remedy against constables.

The House of Representatives concur in the amendments made by your honorable body, to the bill to be entitled, an act supplementary to, and amendatory of the laws not in force, regulating the appointment of auctioneers and sales at auction, except to the first amendment, to which they have added the following words : 'except Madison county, in which the number may be six :' in which amendment they desire your concurrence.

The House of Representatives have read three times and passed bills of the following titles, to wit : An act to alter and amend an act entitled an act to establish the Bank of the State of Alabama ; An act to abolish the June term of the supreme court ; An act to regulate pleadings of common law ; An act making appropriations for certain claims against the state ; An act authorising the administrators of Nathaniel Henderson, deceased, to sell read estate, An act to alter the punishment for counterfeiting and forgery ; An act authorising sheriffs and coroners to execute certain process ; An act concerning costs where suites are instituted in the name of one person for the use of another ; An act giving lien on vessels in certain cases ; An act for the speedy

attainment or justice in certain cases ; An act to authorise the judge
R

of the county court and commissioners of revenue and roads of Marengo county, to levy a tax to build a court house and jail : in all of which they desire your concurrence.

The House of Representatives have adopted the following resolution : Resolved, that with the concurrence of the Senate, both branches of the General Assembly will convene in the Representative Hall this evening at half past 6 o'clock, for the purpose of electing a judge of the county court for the county of Dale ; in which they desire your concurrence. On motion,

Ordered that the Senate concur in the Resolution of the house of Representatives proposing to go into the election of a judge of the county court of the county of Dale, this evening at 6 o'clock. Ordered that the secretary acquaint the House of Rep's therewith. On motion,

Ordered that the Resolution from the House of Representatives, proposing to go into the election of three Directors of the state Bank in the place of Alexander Pope, resigned, and David White and Thomas H. Wiley, who have declared the appointment, this evening at 6 o'clock, lie on the table.

A bill from the House of Representatives entitled an act to alter and amend an act to establish the Bank of the state of Alabama, was read the 1st time, and ordered to lie on the table.

A bill to be entitled an act making appropriations for certain claims against the state, was read the 1st time ; the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time forthwith, amended on Mr. Taggart's motion, and referred to the committee on accounts and claims to consider and report thereon.

Mr. Murphy presented the account of James D. Godbold, sheriff of Monroe county, against the state, which was referred to the committee on accounts and claims.

Mr. Sullivan offered the following resolution : Resolved that the committee on accounts and claims in the House of Representatives, be requested to furnish the committee of accounts and claims in the Senate with the evidence in their possession of the accounts and claims specified in the appropriation bill sent from the H. of Rep's to the Senate.

Mr. Casey called up a bill entitled an act making appropriations for the year 1825; Ordered that it be referred to the committee on accounts and claims to consider and report thereon.

On motion, ordered that the Senate concur in the amendment made by the House of Representatives to their amendment to the bill, entitled an act supplementary to, and amendatory of, the laws now in force, regulating the appointment of auctioneers and sales at auction

Ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to abolish the June term of the supreme court, was read the first time. The rule requiring bills to be read on three several days being dispensed with, the said bill was read the 2d and 3d time forthwith and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to regulate pleadings at common law, was read the first time ; the rule requiring bills to be read on three several days being dispensed with, the bill was read the 2d time and referred to the committee on the judiciary to consider and report thereon.

A bill to be entitled an act authorising the administrators of Nathaniel Henderson, deceased, to sell real estate, was read the first time. The rule requiring bills to be read on three several days was dispensed with, and the bill was read a 2d time, and referred to a special committee, consisting of Messrs. Moore, and Murphy, to concur and report thereon. A bill to be entitled an act to alter the punishment for counterfeiting and forgery, was read the first time, and ordered to lie on the table till the first day of next session.

A bill to be entitled an act authorising sheriffs and coroners to execute certain process, was read the first time and ordered to be read the 2d time tomorrow.

A bill to be entitled an act concerning costs where suits are instituted in the name of one person for the use of another, was read the first time. The rule being dispensed with, it was read a 2d and 3d time forthwith and passed. Ordered that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till three o'clock this evening.

Three o'clock— the Senate met pursuant to adjournment.

A bill from the House of Representatives entitled an act giving a lien on vessels in certain cases, was read the 1st time and ordered to lie on the table till the 1st day of the next session.

On motion of Mr. Bibb, Ordered that the bill entitled an act to alter the time of appointing overseers of roads and for other purposes, together with the amendments made thereto by the house of Representatives, lie on the table.

A bill to be entitled an act for the speedy attainment of justice in certain cases, was read a 1st time, and on the question, shall the bill be read a 2d time? it was determined in the negative.

A bill to be entitled an act to authorise the judge of the county court and commissioners of revenue and roads of Marengo county to levy a tax for building a court house and jail in said county, was read the 1st time ; the rule requiring bills to be read on three several days being dispensed with, it was read the 2d and 3d time forthwith and passed. Ordered that the secretary acquaint the house therewith.

Mr. McCamy moved to reconsider the vote of the Senate on the question to concur in the report of the military committee on the bill entitled an act for the better organization of the militia of this state, which was carried. Ordered that the bill lie on the table.

An engrossed bill to be entitled an act for the relief of Thomas B. Tunstall, was read the 3d time and rejected. Yeas 9— Nays 9.

The yeas and nays being desired on the passage of the bill, those who voted in the affirmative, are Mr. President, Bibb, Conner, Crabb, Hopkins, Moore, Powell, Shackelford, Taggart— 9. Those who voted in the negative, are Mr. Casey, Devereux, McCamy, Metcalf, Murphy, McVay, Smith, Sullivan, Wood 9.

A bill to be entitled an act for the relief of John J. Burton and Stephen Holt, was read the 3d time as amended and passed. Ordered that the secretary acquaint the house therewith.

A bill to be entitled an act for the relief of Peter Wyatt, was read the 2d time, and on the question, shall the bill be engrossed for a 3d reading? it was decided in the negative.

A memorial to the Congress of the United States, respecting the sale of relinquished lands, was read the 2d time and amended ; Mr.

Bibb moved that the memorial lie on the table till the 1st day of the next session, which was lost— Yeas 4— Nays 14.

The yeas and nays being desired, those who voted in the affirmative, are Mr. Bibb, McCamy, Metcalfe, Moore— 4. Those who voted in the negative, are Mr. President, Casey, Conner, Crabb, Devereux, Hopkins, Murphy, McCamy Powell, Shackelford, Smith, Sullivan, Taggart, Wood—14.

The memorial was then read the 3d time and passed. Ordered that the same be sent to the house of representatives for concurrence.

A Resolution to authorise the President and Directors of the Bank of the state of Alabama to build a fire proof vault for said Bank, was read the 2d time, the rule requiring joint Resolutions to be read on three several days being dispensed with, the same was read a 3d time, Mr. Murphy moved to fill the blank in the Resolution with eight hundred dollars, a the amount to be appropriated for building the vault, if so much be necessary, which was carried— Yeas 13— Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Casey, Crabb, Devereux, Hopkins, Moore, Murphy, Shackelford, Smith, Sullivan, Taggart, Wood— 13. Those who voted in the negative, are Mr. Conner, McCamy, Metcalf, McCamy, Powell— 5. Ordered that the Resolution be sent to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Murray, their clerk: Mr. President, The House of Representatives have read three times and passed a bill originating in their House, entitled, An act to annex a part of Jackson county to Madison county, in which they desire your concurrence.

A bill to be entitled an act to raise a Revenue for the support of government until otherwise provided for by law, was read the 3d time as amended, and passed. Ordered that the secretary acquaint the House of Representatives therewith.

A bill to be entitled an act to annex a part of Jackson county to madison county, was read the 1st time; the rule requiring bills to be read on three several days being dispensed with, the bill was red the 2d time, and referred to a special committee, consisting of Messrs. McCamy, Moore and McVay to consider and report thereon.

A bill to be entitled an act to incorporate the Montgomery light infantry company, was read the 3d time and passed. Ordered that the same be returned to the House of Representatives.

A bill to be entitled, an act to amend the law concerning retailers, was read a 3d time and rejected. Yeas 8, nays 10.

The yeas and nays being desired on the passage of the bill, those who voted in the affirmative, are, Messrs .Bibb, Conner, Crabb ,Devereux, Hopkins, McCamy, Shackelford, Sullivan— 8. Those who voted in the negative are,

Mr. President, Casey, Metcalfe, Moore, Murphy, McVay, Powell, Smith Taggart, Wood— 10.

A bill to be entitled, an act to exempt the Neptune fire companies, Nos. 1 & 2 in the city of Mobile, from militia and patrol duty, and for other purposes, was read the 3d time and passed. Ordered that the same be returned to the House of Representatives.

A bill to be entitled, an act authorising Isaac Pugh to transfer certain real estate therein named, was read the third time and passed— Ordered that the same be returned to the House of Representatives.

An engrossed bill to be entitled, an act supplemental to and amendatory of an act to revise ; consolidate and amend the several acts relative to justices of the peace and constables, passed Dec. 27, and for other purposes, was read the 3d time and passed. Ordered, that

the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

A bill to be entitled, an act to emancipate the mulatto girl Margaret the slave of James Johnson of Mobile county, was read the 2d time and ordered to lie on the table till tomorrow.

An engrossed bill to be entitled, an act concerning the African slaves lately ordered by the district court of the United States in this state to be sold, and for other purposes, was read the 3d time and passed. Ordered that the title be as aforesaid, and that the same be sent to the House of Representatives for concurrence.

Mr. Taggart called up the bill to be entitled an act to authorise the administrator of Cadwallader Lucy deceased, to sell and convey certain certificates of land, upon which the first payment only has been made. The bill was then read the third time and passed. Ordered that the same be returned to the House of Representatives.

Mr. Casey called up a bill entitled, an act to alter the time of appointing overseers of roads and for other purposes; together with the amendments made by the House of Representatives. Ordered that the Senate concur in the amendment and that the House of Representatives be informed thereof.

Mr. Moore called up a bill entitled, an act to amend the 1st section of an act entitled an act amendatory to the laws now in force for the relief of insolvent debtors, passed June 15, 1821. The bill was amended by way of rider, on Mr. Taggart's motion, and passed. Ordered that the secretary acquaint the House of Representatives therewith.

And then the Senate adjourned till 6 o'clock this evening.

Message from the House of Representatives, by Mr. Murray their clerk: Mr. President, The House of Representatives have read three times and passed a bill originating in your honorable body, entitled an act explanatory of, and supplementary to an act to establish the bank of the state of Alabama. They have also adopted the following resolution : Resolved that the Senate be invited to assemble in the representative hall for the purpose of going into the several elections agreeable to the resolutions of both Houses on those subjects; and that the west end of the hall be appropriated for their reception. Whereupon, on motion, the Senate repaired to the hall of the House of Representative and after taking the seats assigned them, Mr. President, arose and announced the object of the meeting ; When the two houses proceeded to the election of a judge of the county court of Fayette county, Jesse Vanhouse alone being in nomination, the votes were for Mr. Vanhouse 66. Those who voted for Mr. Vanhouse, are

Mr. President, Casey, Conner, Crabb, Hopkins, McCamy, Metcalf, Moore, Murphy, McVay, Powell, Shackelford, Smith, Sullivan, Taggart, Wood, Mr. Speaker, Abercrombie, Barton, Baylor, Baxter, Byler, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Dinsmore, Edmonson, Exum, Farrar, Fluker, Gaines, Green, Hill, Jones, Lanier, Martin, McVay, McCord, Merriwether, Metcalf, Miller, Moore of J. Moore of ma. Moore of mo. Morton, Parham, Perkins, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington – 66.

Mr. Jesse, Vanhouse having received all the votes presented was declared by Mr. speaker to be duly elected judge of the county court of Fayette county.

The two houses then proceeded to the election of a judge of the

county court for Covington county. John W. Devereux alone being in nomination— For Mr. Devereux, 67 votes. Those who voted for Mr. Devereux are the same as those who voted in the election for the judge of the county court of Fayette, and Mr. Bagby in addition, who had not voted in the first election aforesaid. Mr. Devereux having received all the votes present, was declared by Mr. Speaker to be duly elected judge of the county court of the county of Covington.

The two houses then proceeded to the election of a judge of the county court of Dale county : Peletiah Whitehurst alone being in nomination : For Mr. Whitehurst 67 votes. Those who voted for Mr. Whitehurst are the same as those who voted in the election for judge of the county court of the county of Fayette, and Mr. Bagby in addition who had not voted in the first election aforesaid. Mr. Whitehurst having received all the votes present, was declared by Mr. Speaker to be duly elected judge of the county court for the county of Dale.

The election having been completed the Senate withdrew and returned to their own chamber, and Mr. President resumed the chair.

And then the Senate adjourned till tomorrow morning at 9 o'clock.

Friday, December 24, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr. Murray their clerk:— Mr. President, the House of Representatives have read three time & passed bills originating in their House entitled, an act for the better regulation of free persons of color within the counties of Mobile and Baldwin ; An act to authorise the citizens of Florence to raise a sum of money to procure water for the use of said town ; An act amending the law concerning the poor ; An act for the relief of Matthew C. Toulmin and Elizabeth Toulmin ; An act to repeal in part an act entitled an act to regulate the proceedings in the courts of law and equity in this state, passed Dec. 14, 1819 ; An act for the more effectual distribution of the journals of the Senate and of the House of Representatives ; An act concerning the militia of this state ; An act relative to the securities of judges of the county courts ; An act to authorise the comptroller to issue his warrant on the state treasury in favor of Norborne L. Chandler, for a certain sum of therein named ; An act to alter the 3d, 4th, and 5th judicial circuits, and fix the time of holding the courts therein ; An act to authorise the quarter-master-general to repair the state arsenal and for other purposes ; An act to provide for the payment of petit jurors in the counties therein named, and for other purposes ; An act to authorise Martha Prater to emancipate certain slaves therein named ; An act authorising certain persons to sell real estate therein named ; An act concerning the apportionment of hands liable to work on public roads in the county of Baldwin ; An act to amend an act entitled an act to incorporate the trustees of the Claiborne academy ; An act to confirm the title of sundry purchasers of lands sold by the trustees of the University of Alabama, and for other purposes ; An act to alter the time of holding the circuit courts in the 2d judicial circuit : in all of which they desire your concurrence. The House disagree to the amendment made by your honorable body by inserting the word "Baldwin" in the caption of the bill to be entitled, An act to establish additional election precincts in the counties of Lawrence, Baldwin and Walker. They also disagree to the amendment made by your honorable body to said bill, by insertion of the 2d section thereof. The House concur in the other amendment made by your honorable body to said bill. The House of Representatives have read three times and passed a bill originating in your honorable body, entitled, an act to extend the time of payment of part of the public revenue of Washington county. The House have read three times and passed bill originating in your honorable body, entitled, an act supplemental

to an act passed at Cahawba on the 20th of Dec. 1823, entitled an act to appoint

commissioners to improve the navigation of the Tennessee river, and have amended the same in the manner herewith shewn. The House of representative concur in the amendments made by your honorable to the bill to be entitled an act to establish certain election precincts therein named.

Mr. Powell from the committee on accounts and claims, to which was referred a bill entitled an act making appropriations for the year 1825, reported the same as amended, which was concurred in, and the bill was read the 23d time.

Mr. Casey offered an amendment to the bill in the following words, and be it further enacted, that the sum of two thousand dollars be, and the same is hereby appropriated for the state printer, which was adopted. The bill was then passed. Ordered, that the secretary acquaint the House of Representatives therewith.

Mr. Powell from the special committee, to who was referred the petition of William W. Gary, and Samuel G. Norris, and the accompanying documents, reported that they have had the same under consideration, and that they thereupon, make the following report, viz :

It appears from the documents submitted to your committee, that the above named gentlemen rented the state ferry over the Alabama river at Cahawba for the year 1819, although there is no evidence before the committee, at which rate the said ferry was rented ; that at the time they rented the ferry, what was on the first of January in the year aforesaid, and until the 9th of August of the same year ; the rate of ferriage on four wheel carriages was one dollars and fifty cents, and on two wheel carriages, seventy-five cents ; that on the said 9th day of August, 1819, the county court of Dallas county, in the exercise of a right vested in them by law, reduced the first to one dollars and the other to fifty cents, other rates of ferriage remaining the same. From which view of the case, Messrs. McCamy, and Wood, a majority of your committee, are of the opinion, that the said Gary and Norris, who appear to have rented the ferry under a confident expectation that the county court would not interfere with the established rules of ferriage, are entitled to some relief, although there is no correct date from which to calculate. They however, recommend an appropriation of two hundred and fifty dollars, to be made in favor of the said Wm. W. Gary, and Samuel G. Norris, all of which is respectfully recommended.

The question was then put, will the Senate concur in said report? and determined in the negative. Yeas 7, Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Bibb, Casey, Conner, Devereux, McCamy, Smith, Wood—7.

Those who voted in the negative, are Mr. President, Crabb, Hopkins, Metcalf, Moore, McVay, Powell, Sullivan, Taggart— 9.

On motion, it was ordered that the committee on accounts and claims have leave to sit during the session of the Senate.

Mr. Hopkins from the judiciary committee, to which was referred a bill to be entitled an act to regulate pleadings at common law, reported the same as amended, which was concurred in, and the rule requiring all bills to be read on three several days being dispensed with, the bill was read the 3d time forthwith, and passed. Ordered, that the secretary acquaint the House of Representatives therewith.

Mr. wood offered the following resolution, Resolved, that the secretary of the Senate be instructed to correct a mistake in the journals of the Senate in recoding the reasons offered by John Wood, a Senator from Jefferson, for voting for the bill to annul the charter of the Planters and Merchants Bank of Huntsville, which was adopted.

The sentence in Mr. woods reasons in which the mistake occurred, reads

thus: "The only inducement on the part of the state of the state to grant such charters, being to promote the public good ; therefore it seems that whenever any institution or bank charter files to answer the purposes for which they were intended, and instead of proving a blessing, provides a curse, as the Huntsville bank has not, done. The word not as used in said sentence at the conclusion, was inserted by mistake, it not being in the reasons as offered by Mr. Wood on the 10th of December during the last session of the Legislature of this State.

A bill from the House of Representatives, entitled an act to alter the third, fourth and fifth judicial circuits, and fix the time of holding the courts therein, was read the first time, the rule requiring all bills to be read on three several days being dispensed with, the bill was read the 2d time and referred to a special committee, consisting of Messrs. Moore, Wood, and Hopkins.

Mr. Moore from the special committee, to which was referred a bill entitled an act to annex a part of Jackson county to Madison county, Reported, that the citizens of Jackson county, contemplated to be added to Madison county, are between fifteen hundred and two thousand white inhabitants, who have not expressed any wish to the proposed alteration, and as they alone are interested in the matter, and ought to be consulted, and for allowing time for that purpose to the citizens whose right alone are to be affected by said bill and which it is the duty of the General Assembly to protect, until they can be heard on that subject. Your committee therefore, recommended that said bill be laid over until the next session of the General Assembly.

DAVID MOORE, Chairman.

Which was concurred in.

A message from the Governor, by Mr. Thornton: Mr. President, The Governor did on the 23d inst. approve and sign an act, amendatory to an act concerning divorce ; An act pointing out the manner by which the streets in the town of Greensborough shall be opened and kept in good order ; An act to provide for the opening and keeping in repair a certain road therein described ; And an act for rendering the decisions of civil causes more speedy and less expensive than heretofore, all of which originated in the Senate. A bill entitled an act for the better regulation of free persons of color within the counties of Mobile, and Baldwin, was read the first time. The rule being dispensed with, it was read the 2d and 3d time forthwith, and passed. Ordered that the same be returned to the House of Representatives.

Mr. Hopkins from the judiciary committee, to which was referred a bill to be entitled an act to alter the time of holding courts in the first judicial circuit reported the same without amendment. The bill being considered as engrossed, was read a 3d time and passed. Ordered, that the title be as aforesaid, and that it be sent to the House for concurrence.

Mr. Bibb from the committee on enrolled bills, reported as correctly enrolled an act to alter and amend an act authorising the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile; An act to amend an act authorising Edwin Lewis to open and construct a road in Mobile county, and for other purposes, passed Dec. 18, 1821; An act to provide for the payment of the interest the loan obtained for the use of the state ; An act to provide for the transfer of stock issued by the state, and for the renewal of lost certificates thereof ; An act to amend an act entitled an act to establish

a public road from Ditto's landing to Marston Mead's in Blount county, passed Dec. 30, 1822 ; An act giving further time in which executions shall be made returnable when issued by justices of the peace from one county to another ; An act to establish certain election precincts therein named ; And an act to authorise the resident judge of the third judicial circuit, to hold an intermediate court in Blount county for the purposes therein mentioned, all of which were accordingly signed by Mr. President.

A bill to be entitled an act to authorise the citizens of Florence to raise a sum of money to procure water for the use of said town; An act for the more effectual distribution of the journals of the Senate, and of the House of Representatives ; And an act to authorise the comptroller to issue his warrant on the state treasury in favor of Norborne E. Chancery for a certain sum of money therein named, were severally read the first time. The rule requiring bills to be read on three several days being dispensed with, said bills were severally read a 2d and 3d time and passed. Ordered, that the same be returned to the House of Representatives. A bill entitled an act amending the law concerning the poor, was read the first time and ordered to lie on the table ; A bill to be entitled an act to provide for the payment of petit jurors in the counties therein named, and for other purposes, was read the first time, and the rule being dispensed with, was read the 2d time. Mr. Moore moved to amend the bill by striking out Madison, which was carried. Ordered, that the bill lie on the table.

A bill entitled, an act for the relief of the heirs of Matthew C. Toulmin and Elizabeth Toulmin, was read the first time, and the rule being dispensed with, was read the second and third time and ordered to lie on the table.

A bill to be entitled an act concerning the militia of this state, was read the first time, and the rule being dispensed with, was read a 2d time, and ordered to be referred to the military committee.

A bill entitled an act relative to the securities of judges of the county courts, was read the first time and the rule being dispensed with, was read the second time and ordered to lie on the table.

A bill entitled an act to authorise the Quarter-master General To repair the state arsenal and for other purposes, was read the first time and the rule being dispensed with, was read a 2d time. Mr. Wood moved to strike out fifty, where the bill makes an appropriation of 50 dollars for cleaning and oiling the guns in the arsenal ;— which was carried, Ordered, that the bill lie on the table.

A bill entitled an act to authorise Martha Prater to emancipate certain slaves therein named, was read the first time — the rule requiring bills to be read on three several days being dispensed with, the said bill was read the second and third time and laid on the table.

A bill entitled an act to authorise certain persons therein named, to sell and dispose of real estate, was read the first time and the rule being dispensed with, was read a 2d and 3d time and passed. Ordered, that the same be returned to the House of Representatives.

A message from the House of Representatives by Mr. Murray their clerk ; Mr. President, the House of Representatives disagree to the amendments made by your honorable body, to the bill entitled an act to raise a revenue for the support of government until otherwise pro-

vided for by law, by striking out the words two hundred, in the third section of the bill, and inserting in lieu thereof one thousand. They concur in the second amendment made by your honorable body to said bill, by inserting the word keno, after the word loto. They concur in the third amendment made by your honorable body to the 3d section of the bill, and have amended the same in the manner herewith shewn. They disagree to the other two amendments made by your honorable body to said bill in the 3d section. They concur in the amendments made by your honorable body to the 4th section of said bill.

A bill to be entitled an act to alter the times of holding courts in the second judicial circuit, was read the first time and the rule being dispensed with, was read the 2d time and ordered to lie on the table.

A bill to be entitled an act concerning the apportionment of hands liable to work on roads in the county of Baldwin, was read the first time and the rule being dispensed with, was read the second and third time and passed.

Mr. Bibb from the committee on enrolled bills, reported as correctly enrolled, An act concerning roads, highways, bridges and ferries in the county of Mobile : An act to alter and amend act regulating the fees of justices, constables and lawyers, and to ascertain the fees that said officers are hereafter to receive ; An act to provide for the payment of slaves executed in pursuance of law ; An act for the relief of Cyrus Sibley and James L. Seabury, securities of Henry Wheat ; An act explanatory of, and supplemental to the act to establish the Bank of the State of Alabama, all of which were accordingly signed by Mr. President.

Bills entitled an act to amend an act entitled an act to incorporate the trustees of the Claiborne Academy ; and, an act to confirm the title to sundry purchasers of land sold by the trustees of the university of Alabama ; were severally read the first time, and the rule being dispensed with ; were severally read a 2d and 3d time and passed. Ordered that the same be returned to the House of Representatives.

On motion, ordered that the Senate recede from their amendment to the bill entitled an act to establish additional election precincts in the counties of Lawrence, Baldwin and Walker, to which the House of Representatives disagree. Ordered, that the secretary acquaint the House therewith.

A bill entitled an act to repeal in part an act entitled an act to regulate the proceedings in the courts of law and equity in this state, passed Dec. 14, 1819, was read the first time and the rule being dispensed with, was read the second and third time and passed. Ordered, that the same be returned to the House of Representatives.

On motion, ordered that the Senate concur in the amendments made by the House of Representatives to the bill entitled an act supplementary to an act passed at Cahawba, on the 30th Dec. 1823, entitled an act to appoint commissioners to improve the navigation of the Tennessee river. Ordered, that the House be informed thereof.

Mr. Moore, from the special committee to which was referred a bill entitled an act to alter the 3d, 4th and 5th judicial circuits, and fix the time of holding courts therein, reported the same as amended : which was concurred in. The rule being dispensed with, the bill was read the 3d time as amended and passed. Ordered, that the secretary acquaint the House therewith.

Mr. Moore, from the special committee, to which was referred a bill

entitled an act to authorise the administrators of Nathaniel Henderson, deceased, to sell real estate, reported the same as amended ; which was concurred in ; the bill was then read a 3d time as amended and passed. Ordered, that the secretary acquaint the House therewith.

Mr. Moore moved to reconsider the voted of the Senate on ordering a bill entitled an act giving alien on vessels in certain cases, to be laid on the table till the first day of next session ; which was carried. The bill was then read the 2d time, and the rule being dispensed with was read a 3d time and passed. Ordered, that the same be returned to the House of Representatives.

Mr. Taggart called up a bill entitled n act for the relief of the heirs of Matthew C. Toulmin and Elizabeth Toulmin. The rule being dispensed with the bill was read the 3d time and passed. Ordered, that the same be returned to the House of Representatives.

Mr. McCamy called up a bill to be entitled an act relative to the securities of judges of the county courts. The rule being dispensed with the bill was then read the 3d time and passed. Ordered, that the same be returned to the House of Representatives.

Mr. Wood, from the military committee, to which was referred a bill entitled an act concerning the militia of this state, reported the same as amended : which was concurred in. Mr. Crabb moved to amend the bill by striking out all of the first section after the enacting clause, and the words 'And be it further enacted,' in the 2d section— which was carried. The bill was then read the 3d time and passed.

Bills entitled an act to authorise the county court of Bibb county to appoint some person to transcribe certain records of said county, and for other purposes. An act to compensate James Pugh for carrying the returns of the election for Brigadier General from Pike county to Cahawba ; An act to emancipate the mulatto girl named Margaret, the slave of James Johnson of Mobile county ; and, An act making an appropriation for Thomas B. Childress— were severally read the third time and passed. Ordered, that the same be returned to the House of Representatives.

A bill entitled an act for the better organization of the militia of this state, was ordered to lie on the table.

A bill entitled an act authorising sheriffs an coroners to execute certain process, was read the third time, and ordered to lie on the table till the first day of next session.

Mr. Bibb moved that the Senate insist on their amendment to the bill entitled an act to raise a revenue for the support of government until otherwise provided for by law, by striking out two hundred, the tax on billiard tables, and inserting one thousand; which was carried— Yeas 8— Nays 7.

The yeas and nays being desired, those wh voted in the affirmative, are, Mr. Bibb, Casey, McCamy, Metcalf, Moore, McVay, Powell, Taggart— 8. Those who voted in the negative are, Mr. Conner, Crabb, Hopkins, Murphy, Shackelford, Smith, Sullivan — 7. Ordered, that they recede from their amendment to that part of the bill which relates to the tax on playing cards. Ordered, that they disagree to the amendment made by the House to their amendment to said bill.

Message from the House of Representatives by Mr. Murray, their clerk: Mr. President, the House of Representatives concur in the amendments made by your honorable body to the bills to be entitled, An act to amend the 1st section of an act entitled an act amendatory to the laws now in force for the relief of insolvent debtors, passed June 15, 1821; An act for the relief of John J. Burton and Stephen Holt.

They have read three times, and passed bills originating in their House, entitled An act authorising John s. Moore, guardian of Willey Ann O. Murray, to sell real estate ; An act to prevent the commission of trespass on the lands invested in the Trustees of the University of Alabama, and for other purposes. and then the Senate adjourned to half past three o'clock this evening.

Evening Session.

Mr. Moore, from the committee on enrolled bills, reported a correctly enrolled, An act to alter the time of appointing overseers of roads, and for other purposes; An act supplemental to an act, passed at Cahawba on the 20th of Dec. 1823, entitled an act to appoint commissioners to improve the navigation of the Tennessee river ; An act supplementary to, and amendatory of the laws now in force regulating the appointment of auctioneers and sales at auction ; An act to alter the time of holding the next circuit court of Lawrence county ; An act to exempt the members of the Neptune Fire Companies No. 1 and 2, of the city of Mobile from militia and patrol duty, and for other purposes ; An act authorising Isaac Pugh to transfer certain real estate therein named ; An act to incorporate the Montgomery light Infantry company ; An act to abolish the June term of the supreme court ; An act to incorporate the Spring Creek Navigation Company ; An act to establish the permanent seat of justice in the county of Jackson, and for other purposes ; An act authorising the location and sale of certain quarter sections of land granted by Congress to the several counties in this state for seats of justice ; An act to regulate the mode of taxing costs on appeals taken from the decisions of justices of the peace to the circuit and county courts in this state ; An act to emancipate Gamaliel, a slave ; An act exempting the inhabitants of the town of Claiborne, in Monroe county, from working on roads beyond the limits of said town; An act to regulate the sale of slaves by constables ; An act concerning costs where suits are instituted in the name of one person for the use of another ; An act to exempt persons from working on a certain state roads at a greater distance from their place of residence than if the same were a county road; An act to establish a certain road therein mentioned ; An act to authorise the administrator of Cadwallader Lucy, deceased, to sell and convey certain certificates of land , upon which the first payment only has been made ; An act to authorise the judge of the county court and commissioners of revenue and roads of Marengo county, to levy a tax to build a court house and jail in said county? and, An act amendatory to an act entitled an act to establish a public road from the southern line of township 8, in range 4 or 5, west of the basis meridian of Huntsville to the falls of Tuscaloosa, passed Dec. 1820. All of which were accordingly signed by Mr. President.

The Senate took up the bill entitled an act to authorise the quartermaster general to repair the state arsenal, and for other purposes. Mr. Murphy moved to fill the blank in the bill where it relates to an appropriation for cleaning and oiling the guns, &c. with one hundred and twenty-five dollars ; which was lost— Yeas 7— Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are, Messrs. Bibb, Casey, Conner, Murphy, Smith, Taggart, Wood— 7. Those who voted in the negative, are Mr. President, Crabb, Devereux, Metcalf, Moore and M'Vay— 7.

Mr. Casey moved to fill the blank with one hundred, which was carried. Mr. Wood moved to fill the second blank in the bill with twenty, which was carried. The rule requiring bills to be read on three several days being dispensed with, the bill was then read the third time and passed. Ordered, that the secretary acquaint the House therewith.

Mr. Wood moved to reconsider the voted of the Senate on the passage of the bill entitled an act to amend the law concerning retailers-

which was carried.— Yeas 10— Nays 8.

The yeas and nays being desired, those who voted in the affirmative are, Mr. President, Bibb, Conner, Crabb, Devereux, Hopkins, M'Camy, Shackelford, Sullivan, Wood — 10. Those who voted in the negative, are, Messrs. Casey, Metcalfe, Moore, Murphy, McVay, Powell, Smith, and Taggart— 8.

The question was then put, shall the bill pass and decided in the affirmative— Yeas 10— Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Bibb, Conner, Crabb, Devereux, Hopkins, McCamy, Shackelford, Sullivan, Wood — 10. Those who voted in the negative, are Messrs. Casey, Metcalfe, Moore, Murphy, M'Vay, Powell, Smith and Taggart— 8.

Ordered, that the title of the bill be "An act to repeal so much of an act as requires persons to swear that they will not retail spirits to Indians. Ordered, that the secretary acquaint the House therewith.

A message from the Governor, by Mr. Thornton: Mr. President, the Governor did on this day, approve and sign the following acts, which originated in the Senate ; An act to provide for the payment of the interest on the loan obtained for the use of this state ; An act to provide for the transfer of stock issued by the state, and for the renewal of lost certificates thereof ; An act to amend an act entitled an act to establish a public road from Ditto's landing to Marston Mead's in Blount county, passed Dec. 30, 1822 ; An act to alter and amend an act authorising the judge of the county court of Mobile county to appoint a public weigher in the city of Mobile ; An act to establish certain election precincts therein named ; An act to extend the time of payment of part of the public revenue of Washington county ; An act to authorise the resident judge of the third judicial circuit to hold an intermediate court in Blount county, for the purposes herein mentioned; An act giving further time in which executions shall be made returnable, when issued by justices of the peace from one county to another; and, An act to amend an act authorising Edwin Lewis to open and construct a road by Mobile county, and for other purposes, passed Dec. 18, 1821.

A bill to be entitled an act to prevent the commission of trespass on the land vested in the trustees of the University of Alabama, was read the first time. The rule requiring all bills to be read on three several days was dispensed with, and the same was read the second and third time and passed. Ordered, that the same be returned to the House of Representatives.

Mr. Smith moved to reconsider the vote on the passage of the bill entitled an act for the relief of Thomas B. Tunstall, which was carried. The question was then put, shall this bill pass? and determined in the affirmative. Ordered, that the title be as aforesaid and that the same be sent to the House of Representatives for their concurrence.

Mr. Conner called up a bill entitled an act to provide for the payment of petit jurors, in the counties therein named, and for other purposes. Mr. Casey moved to amend the bill by inserting Dallas after Autauga, which was carried. The rule being dispensed with, the bill was read the third time and passed. Ordered that the secretary acquaint the House therewith.

A bill to be entitled an act, to authorise John S. Moore, guardian of Willey Ann O. Murray to sell real estate, was read the first time, and the rule being dispensed with, was read a 2d time and ordered to lie on the table.

A bill to be entitled an act for the better organization of the militia of this state; was read the 3d time and passed. Yeas 9, nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Bibb, Casey, Crabb, Devereux, Hopkins, Metcalf, Moore, Taggart— 9. Those who voted in the negative, are Mr. Conner, McCamy, Murphy, McVay, Powell, Shackelford, Sullivan, Wood— 8.

Ordered, that the secretary acquaint the House of Representatives.
On motion of Mr. Powell, ordered that the committee on accounts.

and claims be discharged from the further consideration of the petition of N. E. Chandler, and the account of James D. Godbolt.

Mr. Shackelford from the committee appointed on that subject, reported a memorial to the Congress of the United States on the subject of the claims of Col. Samuel Dale, which was read the first time, and the rule being dispensed with, the same was read the 2d and 3d time and passed. Ordered, that the same be sent to the House of Representatives for concurrence.

Message from the House of Representatives by Mr. Murray : Mr. President, the House of Representatives insist upon their disagreement to the amendments made by your honorable body to the bill to be entitled an act to raise a revenue for the support of Government until otherwise provided for by law. On motion, Ordered, that the Senate adhere to said amendments.

Mr. Murphy moved to take up the joint resolution proposing to adjourn sine die to day, which was lost. Mr. Casey introduced a joint resolution authorising the doorkeeper of the Senate to take charge of the public furniture, which was read the first time. The rule being suspended for same was read the second and 3d time and passed.

Ordered, that the same be sent to the House of Representatives for concurrence.

Message from the Governor, by Mr. Thornton, Secretary of State.

Mr. President, the Governor did on this day approve and sign an act explanatory of, and supplemental to the act to establish the bank of the state of Alabama.

Mr. Moore offered the following resolution, Resolved, by the Senate, that with the concurrence of the House of Representatives, the two Houses will assemble in the representatives chamber this events, at 6 o'clock for the purpose of electing directors of the bank of the State of Alabama, in the room of Alexander Pope, resigned, and David White; and Thomas H. Wiley, who declined the appointment, and a member of the medical board at Mobile, which was adopted.

Mr. Moore from the committee on enrolled bills, reported the following acts as duly enrolled, viz : An act giving additional remedy against constables ; An act for the more effectual distribution of the Journals of the Senate, and of the House of Representatives ; An act for the relief of John J. Burton, and Stephen Holt ; an act to establish a road from the town of Montevallo to the town of Greensborough, and for other purposes ; An act to authorise the comptroller of public accounts to issue his warrant on the state treasurer in favor of Norborne E. Chandler, for a certain sum therein named ; And an act to establish certain election precincts therein named : all of which were accordingly signed by Mr. President.

A message from the House of Representatives, by Mr. Murray, their clerk: Mr. President, the House of Representatives concur in the two first amendments made by your honorable body, to the bill entitled an act making appropriations for the years 1825. They have amended the last amendment by striking out two thousand and inserting eighteen hundred ; in which they desire your concurrence. On motion, ordered that the Senate disagree to the amendment made by the House of Representatives to their amendment to said bill. Ordered, that the secretary acquaint the House therewith.

Mr. McVay called up a bill entitled an act to authorise Martha Prater to emancipate certain slaves therein named. The question was put, shall the bill pass? and determined in the negative. Yeas 7 Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Mr. Conner, McCamy, Moore, McVay, Powell, Shackelford, Taggert— 7.

Those who voted in the negative are Messrs. President, Bibb, Casey, Devereux, Hopkins, Murphy, Smith, Sullivan— 8.

And then the Senate adjourned till 6 o'clock this evening.

Six o'clock— the Senate met pursuant to adjournment.

Mr. Powell from the committee of accounts and claims to which was referred the account of Jesse A. Cooper, reported that it was inexpedient to allow the account, which was concurred in.

Mr. Powell from the same committee to which was referred a bill entitled, act making appropriation for certain claims against the state, reported the same with sundry amendments, all of which were concurred in. The bill was further amended and ordered to lie on the table.

A message from the House of Representatives by Mr. Murray their clerk: Mr. President, The House of Representatives concur in the resolution proposing to go into the election of three Directors of the state Bank, and a member of the Medical Board at Mobile, this evening at 6 o'clock. They have passed the resolution originating in your House, entitled, a resolution to ascertain the mode of voting most acceptable to the people, and have amended the same in the manner herewith shewn; in which they desire your concurrence. They have read three times and passed a bill originating in their House entitled, an act concerning mobile county ; and a resolution of thanks to James Monroe, President of the United States ; in which they desire your concurrence. They disagree to the amendments made by your honorable body to the 2d and 4th sections of a bill entitled, an act to alter the 3d, 4th and 5th judicial circuits, and to fix the time of holding the courts therein. They concur in the last amendments made by your honorable body to said bill. They have read three times and passed a bill which originated in your house, entitled, an act for the relief of Thomas B. Tunstall, and have made thereof sundry amendments, in which they ask your concurrence. A message was also received by Mr. Murray, informing the Senate that the House were ready to receive them in their chamber for the purpose of going into the election of three Directors of the Bank and a member of the Medical Board at Mobile.

Whereupon, on motion, the Senate repaired to the hall of the house of representatives , and after having assembled, the two Houses proceeded to elect three Directors of the Bank of the state of Alabama, in the room of Alex. Pope, resigned, and David White and Thomas H. Wiley, who declined the appointment. Fielding Vaughan, Robert G. Gordon, Jason Gardner, William Read and John W. Rinaldi being in nomination ; For Mr. Vaughan 52— Gordon 50— Gardner 47— Read 25— Rinaldi 25.

Those who voted for Mr. Vaughan, are— Mr. President, Bibb, Conner, Crabb, Devereux, Hopkins, Metcalf, Moore, McVay, Powell, Shackelford, Sullivan Wood, Bagby, Barton, Byler, Cook, Creagh, Crenshaw, Dale, Dickinson, Edmondson, Exum, Farrar, Gaines, Green, Hill, Jones, Lanier, Mardis, Martin McVay, McCord, Mead, Merriwether, Miller, Moore of mon. Morton, Parham Perkins, Peyton, Pickens of G. Rather, Ruffin, Skinner, Shotwell, Tapscot, Tindall, Watson, Weissinger, White, Worthington— 52.

Those who voted for Mr. Gordon, are— Mr. President, Conner, Crabb, Devereux, Hopkins, Moore, Murphy, Powell, Shackelford, Smith, Taggart, Mr. Speaker, Bagby, Barton, Baylor, Byler, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dickinson, Edmondson, Exum, Farrar, Fluker, Green, Hill, Lanier, Mardis, Martin, Mead, Merriwether, Moore of J. Moore of mar. Moore of mon. Morton, Parham, Perkins, Pickens of D. Pickens of G. Pickett, Ruffin, Shotwell, Tapscot, Tindall, Watson, Weissinger, White, Worthington— 50.

Those who voted for Mr. Gardner, are— Mr. Bibb, Casey, Crabb, Devereux, McCamy, Metcalf, Moore, Murphy, McVay, Powell, Sullivan, Wood, Mr. Speaker, Bagby, Barton, Baylor, Byler, Coleman, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Edmondson, Exum, Fluker, Green, Jones, Lanier, Mardis, Martin, McVay, McCord, Merriwether, Metcalf, Miller, Moore of J. Moore of mon. Parham, Pickens, of D. Pickett, Skinner, Tindall, Vining, Watson, Weissinger, Worthington— 47.

Those who voted for Mr. Read, are— Mr. Casey, McCamy, Murphy, Smith, Sullivan, Taggart, Mr. Speaker, Baylor, Cook, Cunningham, Dale, Fluker, Gaines, Hill, McVay, Metcalf, Miller, Moore of J. Moore of Mar. Peyton, Pickens of D. Pickens of G. Rather, Shackelford, Vining— 250

Those who voted for Mr. Rinaldi are— Mr. President, Casey, Conner, McCamy, Metcalfe, McVay, Shackelford, Smith, Taggart, wood, Mr. Coleman, Farrar, Gaines, Jones, McCord, Mead, Metcalf, Moore of mar. Peyton, Pickett, Rather, Shotwell, Skinner, Tapscot, Vining— 25

Messrs. Fielding Vaughan, Robert, G. Gordon, and Jason Gardner having received a majority of the votes given was declared by Mr. Speaker to be duly elected Directors of the Bank of the state of Alabama, for the ensuing year.

The two Houses then proceeded to the election of a members of the Medical Board established at Mobile, Dr. Ezekiel Webb alone being in nomination— for Dr. Webb 63 votes.

Those who voted for Dr. Webb, are— Mr. Bibb, Casey, Conner, Devereux, Hopkins, McCamy, Metcalf, Moore, Murphy, McVay, Powell, Shackelford, Smith, Taggart, Wood, Mr. Speaker, Barton, Baylor, Byler, Coleman, Cook, Creagh, Crenshaw, Cunningham, Dale, Dickinson, Edmondson, Exum, Farrar, Fluker, Gaines, Green, Hill, Jones, Mardis, Martin, McVay, McCord, Mead, Merriwether, Metcalf, Miller, Moore of J. Moore of ma. Moore of mo. Morton, Parham, Perkins, Peyton, Pickens of D. Pickens of G. Pickett, Rather, Ruffin, Shackelford, Shotwell, Skinner, Tapscot, Tindall, Vining, Watson, Weissinger, White, Worthington— 64.

Dr. Ezekiel Webb having received all the votes present, was declared by Mr. Speaker to be duly elected a member of the Medical Board at Mobile. The elections having been completed, the Senate withdrew and returned to their own chamber and Mr. President resumed the chair.

Mr. Smith called up a bill entitled, an act making appropriations for certain claims against the state, and offered an amendment to the same, which was adopted. The bill was further amended on Mr. Sullivan's motion and ordered to be again laid on the table.

A message from the House of Representatives by Mr. Murray : Mr. President, The House of Representatives recede for their amendment to your amendment to the bill entitled an act making appropriations for the year 1825, by striking out two thousand and inserting eighteen hundred. They have adopted the following Resolution : Resolved that a committee of conference be appointed on the part of this House, consisting of four members, to wait on such committee as the Senate on their part may appoint, to confer with the members so appointed, and that they endeavor to adjust the difference of opinion existing between the two Houses relative to certain amendments made by the Senate to the revenue

law which passed this house, and that said committee be instructed to report accordingly : they have appointed on their part, Messrs. Baylor, Crenshaw, White

and Vining. Ordered, that the Senate concur in said Resolution, and that Messrs. Bibb, McVay and Moore be appoint a committee on the part of the Senate.

Ordered that the secretary inform the Houses thereof.

Mr. Bibb called up the bill entitled an act making appropriations for certain claims against the state, the rule being dispensed with, the bill was read a 3d time as amended and passed. Ordered that the secretary acquaint the House therewith.

A bill entitled an act concerning the revenue of mobile county, was read the 1st time, and the rule being dispensed with, was read the 2d & 3d time and passed. Ordered that the secretary acquaint the House therewith.

On motion of Mr. Wood, Ordered that the Senate insist on their amendment to the 2d section of the bill entitled an act to alter the 3d 4th and 5th judicial circuits, and fix the time of holding courts therein.

Ordered that the Senate recede for their amendment to the 4th section of said bill, and the House of Representatives be informed thereof.

On motion a committee consisting of Messrs. Hopkins and Sullivan, was appointed on the part of the Senate to confer with such committee as may be appointed on the part of the House of Representatives on the subject of the disagreement between the two houses in relation to the amendments made by the Senate to said bill. Ordered that the House be informed thereof. And then the Senate adjourned till 8 o'clock, tomorrow morning.

Saturday, Dec. 25, 1824.

The Senate met pursuant to adjournment.

A message from the House of Representatives : Mr. President, the House of Representatives have read three times and passed the Resolution originating in your honorable body, authorising the door-keeper of the Senate to take charge of the public furniture. They have read three times and passed the Memorial to Congress of the United States, respecting the sale of relinquished lands which originated in your honorable body. They have also read three times and passed the Memorial originating in your honorable body on the subject of the claims of Col. Samuel Dale. They have also read three times and passed a bill originating in their house entitled, an act to repeal in part and amend an act entitled an act to raise a revenue for the support of government until otherwise provided for by law, passed Dec. 27, 1822, in which they desire your concurrence. They have read three times and passed a bill originating in your honorable body entitled an act concerning the African slaves lately ordered by the district of the United States in this state to be said, and for other purposes. They disagree to the amendment made by your honorable body to the bill to be entitled, an act concerning the militia of this state, by striking out the 1st section of said bill ; the House concur in the other amendments made by your honorable body to the bill entitled an act to regulate pleadings at common law. They concur in the amendment made by your honorable body to the bill entitled an act to repeal so much of an act as requires persons to swear they will not retail spirituous liquors to indians by amending the title of said bill. They concur in the amendments made by your honorable body to the bill entitled, an act authorising the administrators of Nathaniel Henderson, deceased, to sell real estate. They disagree to all the amendments made by your honorable body to the bill entitled an act to authorise the quarter-master general to repair the state arsenal, and for other purposes. They concur in the amendment made by your honorable body to the bill entitled an act to provide for the payment of petit jurors in the counties therein named, by striking out the word Madison. They disagree to the amendment by inserting Dallas after Autauga.

A bill entitled an act to repeal in part and amend an act entitled an act to raise a revenue for the support of government until otherwise provided for by law, passed Dec. 27, 1822, was read the 1st time and the rule being dispensed with, was read the 2d and 3d time and passed.

Ordered that the same be returned to the House of Representatives.

On motion ordered that the Senate insist on their amendment to the bill to be entitled an act concerning the militia of this state, by striking out the 1st section thereof. Ordered that the secretary of acquaint the House of Representatives therewith.

Message from the Governor by J. I. Thornton, secretary of state: Mr. President, the Governor did on the 24th inst. approve and sign, An act to alter the time of appointing overseers of roads and for other purposes ; and, An act supplementary to an act passed at Cahawba on the 20th of Dec. 1823, entitled an act to improve the navigation of the Tennessee river, which originated in the Senate.

On motion ordered that the Senate recede for their amendment to the bill entitled an act to provide for the payment of petit jurors, in the counties therein named and for other purposes, by inserting Dallas after Autauga. Ordered that the secretary acquaint the House therewith.

On motion, ordered that the Senate concur in the amendment made by the House of Representatives to the bill entitled an act for the relief of Thomas B. Tunstall, by adding a preamble to the 1st section thereof. Mr. Powell moved to amend their 2d amendment to said bill by inserting the name of John B. Hogan, which was carried. Mr. Casey moved that the Senate disagree to the amendment as amended, which relieves Elijah Montgomery, Henry Gunnison, and John B. Hogan from the operation of the act to suppress duelling, which motion was carried. — Yeas 11— Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are, Mr. President, Casey, Devereux, Hopkins, McCamy, Metcalfe, Moore, McVay, Smith, Sullivan, Wood— 11. Those who voted in the negative, are Messrs. Bibb, Conner, Crabb, Murphy, Powell, Shackelford, Taggart— 7.

Mr. Hopkins moved that the Senate disagree to the amendment made by the House of Representatives to said bill relieving Hiram shortridge from the operation of said act, so far as to authorise him to complete the business which he had commenced previous to his surrendering his license as an attorney, which was carried. yeas 11, nays 7.

The yeas and nays being desired, those who voted in the affirmative, are Mr. President, Bibb, Casey, Devereux, Hopkins, McCamy, Metcalf, Moore, Murphy, Smith, Wood— 11. Those who voted in the negative, are, Mr. Conner, Crabb, McVay, Powell, Shackelford, Sullivan, Taggart— 7.

Ordered that the secretary acquaint the House therewith.

Mr. Crabb moved that the Senate recede from their amendments to the bill entitled, an act to authorise the quarter-master-general to repair the state arsenal, and for the purposes, which was lost. Ordered that the Senate insist on said amendments, and that the secretary acquaint the house therewith.

Mr. Bibb from the committee of conference appointed on the subject of disagreement between the two Houses in relation to the amendments made by the Senate to the bill entitled, an act to raise a revenue for the support of government until otherwise provided for by law, repor-

ted that said committee recommend to their respective Houses a compromise so far as agree on the sum of four hundred dollars as a tax on billiard, loto and keno tables, which was concurred in. Ordered that the secretary acquaint the House of Representatives therewith.

Mr. Devereux, who voted in the majority, moved to reconsider the vote of the Senate on the passage of the bill entitled, an act to authorise Martha Prater to emancipate certain slaves therein named ; which was carried. The question was then put, shall the bill pass? and decided in the negative.

A message from the House of Representatives by Mr. Tunstall, their assistant clerk : Mr. President, The House have appointed a committee on their part, consisting of Messrs. Creagh, Perkins, and Martin, to act with the committee of conference on the part of the Senate, to arrange the difference existing between the two Houses on the bill entitled, an act to alter the 3d, 4th, and 5th judicial circuits, and fix the times of holding the courts therein. They concur in the report of the committee of conference on the bill entitled, an act to raise a revenue until otherwise provided by law.

A message was received from the House of Representatives by Mr. Murray, informing the Senate that they recede from their amendments to the bill entitled, act for the relief of Thomas B. Tunstall.

On motion, ordered, that the Senate concur in the amendment made by the House of Representatives to the resolution to ascertain the mode of voting most acceptable to the people ; and that the Secretary inform the House thereof.

Mr. Casey offered the following resolution : Resolved, that the judiciary committee be instructed to inquire whether the notes of the Huntsville Bank, under the existing laws, are not receivable in taxes for 1825, and if so to introduce a bill declaring on what terms they may be received, and that the committee have leave to sit while the House is in session : which was adopted.

A resolution from the House of Representatives entitled, a resolution of thanks to James Monroe, president of the United States, was read the 1st time & the rule being dispensed with, was read a 2d & 3d time, and passed unanimously. Ordered that the same be returned to the House of Representatives.

Mr. Moore from the committee on enrolled bills, Reported as correctly enrolled, An act to repeal so much of an act requires persons to swear that they will not retail spirituous liquors to Indians ; An act to repeal in part an act entitled an act to regulate the proceedings in the courts of law and equity in this state, passed Dec. 14, 1819 ; An act to establish an additional election precinct in the court of Lawrence ; An act for the better organization of the militia of this state ; An act to amend an act entitled an act to incorporate the trustees of the Claiborne academy ; An act to authorise the county court of Bibb county to appoint some person to transcribe certain records of said court and for other purposes ; An act to confirm the title of sundry purchasers of lands sold by the trustees of the University of Alabama, and for other purposes ; An act to compensate James Pugh for carrying the returns of the election for brigadier general from Pike county to Cahawba ; An act for the relief of the heirs of Matthew C. Toulmin and Elizabeth Toulmin ; An act to prevent the commission of trespass on the lands vested in the trustees of the university of Alabama, and for other purposes ; An act relative to the securities of judges of the county courts ; An act to authorise the citizens of Florence to raise a sum of money to procure water for the use of said town ; An act for the better regulation of free persons of color within the counties of Mobile and Baldwin ; An act concerning the apportionment of hands liable to work on public road in the county of Baldwin ; An act to amend the first section of an act entitled an act amendatory of the laws now in force for the relief of insolvent debtors passed June 15, 1821; And an act making an appropriation for Thomas B. Childress. All of which were signed by Mr. President.

Mr. Hopkins from the judiciary committee to which was referred a resolution of the Senate, reported, a resolution explanatory of an act entitled an act for the relief of the people of the state of Alabama, which was read the first time and the rule being dispensed with, it was read the 2d and 3d time and passed. Ordered that the same be sent to the House of Representatives for concurrence.

A message from his excellency the Governor, by James I. Thornton, Secretary of State, which is as follows:

Board of Trustees of the University of the State of Alabama,
December 24, 1824.

Gentlemen of the Senate and House of Representatives,

The board of trustees respectfully submit herewith their annual report, of the finances of the institution.

By order of the Board,

ISRAEL PICKENS, President.

Ordered, that the communication lie on the table.

Mr. Sullivan from the committee of conference respecting the amendments made by the Senate to the bill entitled, an act to alter the 3d, 4th and 5th judicial circuits, and fix the time of holding courts thereon, reported that said committee recommend to the Senate to recede from their amendment to the 2d section of the bill, and that they recommend the adoption of an additional section to the bill to come up to the said 2d section ; which was agreed to. Ordered that the House be informed thereof.

And then the Senate adjourned till 3 o'clock.

Evening Session.

The Senate met pursuant to adjournment.

Message from the House of Representatives by Mr. Murray, their clerk : Mr. President, The House of Representatives disagree to the amendments made by your honorable body to the bill entitled, an act to make appropriations for certain claims against the state, by striking out of said bill the 37th, 40th, and 44th section thereof. They agree to the other amendments made by your honorable body to said bill.

They have read three times and passed a bill originating in your honorable body, entitled, an act to amend the attachment laws of this state.

They have read three times and passed a resolution originating in your honorable body, explanatory of an act for the relief of the people of the state of Alabama.

The House of Representatives concur in the report of the committee of conference appointed on the subject of disagreement between the two Houses in relation to the amendments made by the Senate to the bill entitled, an act to alter the 3d, 4th and 5th judicial circuits and fix the time of holding the courts therein.

On motion of Mr. McCamy, Ordered, that Mr. Murphy have leave of absence for the remainder of the session.

On motion of Mr. Powell, Ordered that the Senate insist on their amendments to the bill entitled, an act making appropriation for certain claims against the state, by striking out the 37th, 40th and 44th sections thereof.

Ordered, that Messrs. Casey and Powell be appointed a committee on the part of the Senate, to confer with such committee as may be ap-

pointed on the part of the House of Representatives, on the subject of the disagreement in relation to said amendment.

Mr. Moore from the committee on enrolled bills, reported as correctly enrolled, a resolution to ascertain the mode of voting most acceptable to the people ; An act to amend the attachment laws of this state; An act for the relief of Thomas B. Tunstall ; Joint resolution authorising the door keeper of the Senate to take charge of the public furniture ; Memorial to the Congress of the United States relating to the sale of relinquished lands ; An act concerning the African slaves lately ordered by the district court of the United States in this state to be sold, and for other purposes ; Memorial of the Legislature of the State of Alabama on the subject of the claims of Colonel Samuel Dale; Resolution of thanks to JAMES MONROE, president of the united States ; An act concerning the revenue of Mobile county ; an act to emancipate the mulatto girl Margaret, the slave of James Johnston ; An act authorising the administrators of Nathaniel Henderson, deceased, to sell real estate ; An act making appropriations for the year 1825, all of which were signed by Mr. President. an act to regulate pleadings at common law ; An act to repeal in part an amend an act, entitled an act to raise a revenue for the support of government, until otherwise provided for by law, passed Dec. 27, 1822.

On motion of Mr. McVay, Resolved, that there be a committee of three members appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, to inform his excellency the Governor that the Legislature will have finished the business before them, and will be ready to adjourn sine die this evening, by six o'clock, at his excellency has no further communication to make ; whereupon, Messrs. McVay, Casey, and Devereux, were appointed a committee on the part of the Senate. Ordered, that the secretary acquaint the House therewith.

Message by Mr. Morton from the House of Representatives: Mr. President, The House of Representatives concur in the appointment of the committee of conference on the disagreement between the two Houses on the amendments made to the bill entitled an act making appropriations for certain claims against the state, and have appointed on their part Messrs. Moore of Jackson, Morton, and Tindall. They concur in the resolution of your honorable body, proposing to appoint a joint committee to wait on the Governor and inform him that the two Houses will have completed the business before them and will be ready to adjourn by 3 o'clock this evening, if he has no further communication to make, and have appointed on their part Messrs. Farrar, Rather, and Miller.

Mr. McVay, from the joint committee appointed to wait on the Governor and inform his that the two Houses will have completed the business before them and be ready to adjourn by 6 o'clock this evening, if he has no further communication to make – Reported that the committee had performed the duty assigned them, and received for answer from his excellency that he had no further communication to make, unless something should occur before the adjournment, which might render a communication necessary.

Mr. Casey from the committee of conference, appointed on the subject of the disagreement between the two Houses in relation to the amendments made by the Senate to the bill entitled an act making appropriations for certain claims against this state, reported an amendment which the committee recommend to the two Houses to make to the bill, which was agreed to.

Mr. Moore, fro the committee on enrolled bills, reported as correctly enrol- ed, An act to provide for the payment of petit jurors in the counties therein named ; An act to raise a revenue for the support of government until otherwise

ordered by law ; An act giving a lien on vessels in certain cases ; and an act to alter the third, fourth, and fifty judicial circuits, and fix the time of holding courts therein, all of which were accordingly signed by Mr. President.

Message from the House of Representatives, by Mr. Murray, their clerk: Mr. President, the House of Representatives concur in the report of the committee of conference on the disagreement between the two Houses on the bill entitled an act making appropriations for certain claims against the state.

Mr. Moore from the committee on enrolled bills, reported as duly enrolled, An act making appropriations for certain claims against the state, which was accordingly signed by Mr. President.

Message from the Governor, by Mr. J. M. Thornton, Secretary of State: Mr. President, the Governor has this day approved and signed the following acts which originated in your House ; An act for the relief of Thomas B. Tunstall: Memorial of the Legislature of the State of Alabama, on the subject of the claims of Col. Saml. Dale; Resolution to ascertain the mode of voting most acceptable to the people ; An act to amend the attachment laws of this state; Joint resolution authorising the door keeper of the Senate to take charge of the public furniture ; Resolution explanatory of an act for the relief of the people of the State of Alabama; An act concerning the African slaves lately ordered by the district court of the United States in this State to be sold, and for other purposes : Memorial to the Congress of the United States respecting the sale of relinquished lands.

Mr. McVay having taken the chair, on motion of Mr. Bibb, the following resolution was unanimously adopted : Resolved unanimously, that the members of the Senate duly appreciate the ability, zeal, and impartiality with which the Hon. Nicholas Davis, for the last three session of the General Assembly of this state has performed the arduous duties of President of the Senate, and that they take peculiar pleasure in thus publicly expressing their thanks for the same:

Mr. President having resumed the chair, addressed the Senate as follows:

Gentlemen— Permit me to return my thanks to this honorable body for the approbation they have just expressed of the manner in which I have performed the duties of the chair.

Nothing can be more gratifying to me than to have discharged the arduous duties of a station which your partiality assigned me, in a way somewhat commensurate with your expectations.

I shall ever remember with gratitude the many manifestations of regard which this body have been pleased to bestow upon me, and suffer me to assure you that it affords me much pleasure to testify upon this, as it will on all further occasions to the zeal and ability with which you have performed the important duties assigned to you by your constituents.

I feel emotions on separating from you, gentlemen, much stronger than on any former occasion. Many of you have been associated with me in public life since the commencement of our state government ; this session terminates the 2d Senatorial term of service and we may never again meet in this world. May the rewards due to virtue and patriotism await your return to your constituents.

On motion of Mr. Powell the following resolution was unanimously adopted and ordered to be spread on the journals:

Resolved unanimously, that Francis S. Lyon, Esq. secretary of the Senate, is entitled to the highest consideration of respect and esteem from the members of the Senate for the ability, fidelity, and zeal, with

which he has discharged the arduous duties of his office during the last three session of the legislature ; and that the services of David H. Burke, Esq. the assistant clerk, are duly appreciated and not less regarded by the Senate.

On motion of Mr. Sullivan, Resolved, that a message be sent to the House of Representatives informing them that the Senate having completed the business before the, are ready to adjourn sine die.

On motion of Mr. McVay, the President adjourned the Senate without day.

NICHOLAS DAVIS,
President of the Senate.

ATTEST,
F. S. LYON,
Secretary of the Senate.